



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, June 10, 2021

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public attendance at Council Meetings is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

Pages

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

C. READING OF MINUTES

C.1. Minutes from the evening meeting held May 27, 2021 1

C.2. Minutes from the daytime meeting held May 27, 2021 8

*C.3. Minutes from the daytime meeting held May 6, 2021 23

D. PROCLAMATIONS

D.1. "Parachute National Injury Prevention Day" - July 5, 2021 31

D.2. "Arthritis Awareness Month" - September, 2021 32

D.3. "Longest Day of Smiles" - June 20, 2021 33

E. REPORTS OF COMMITTEE

E.1. Committee of the Whole

E.1.a. Report from the May 27, 2021 COTW Meeting 34

[Link to the May 27, 2021 COTW Agenda](#)

E.1.a.a. Letter from the UBCM President

E.1.a.b. 546 Yates Street and 566-568 Yates: Rezoning
Application No. 00770 (Downtown)

E.1.a.c. Council Member Motion - Permissive Tax Exemptions of

Parking Lots, Existing Properties

E.1.b. Report from the June 10, 2021 COTW Meeting

Placeholder for time sensitive motions

*E.1.b.a. Council Member Motion - Canada Day 2021

Pending Committee of the Whole Approval

F. BYLAWS

F.1. Bylaw for 2440 and 2448 Richmond Road

36

A report recommending:

- **1st and 2nd readings of:**
 - Zoning Regulation bylaw, Amendment Bylaw (No. 1248) No. 21-023
- **1st, 2nd and 3rd readings of:**
 - Housing Agreement (2440 and 2448 Richmond Road) No. 21-024
- **Approval of the updated motion for Development Permit with Variances Application No. 00159**

The application is ready to proceed to Public Hearing and proposes a Rezoning and Development Permit with Variances Application for the development of two new three-storey multi-unit residential buildings (one on each lot).

F.2. Bylaw for 2740 and 2742 Fifth Street

62

A report recommending:

- **1st and 2nd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1216) No. 21-058
- **1st, 2nd and 3rd readings of:**
 - Housing Agreement (2740 and 2742 Fifth Street) Bylaw (2021) No. 21-059
- **Approval of the updated motion for Development Variance Permit Application No. 00236**

The application is ready to proceed to Public Hearing and proposes a Rezoning and Development Variance Permit Application for a new single family dwelling in the rear yard of the existing duplex.

F.3. Bylaws for 3080, 3082 and 3090 Washington Avenue

88

A report recommending:

- **Adoption of :**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1242) No. 21-006
 - Housing Agreement (3080, 3082 and 3090 Washington Avenue) Bylaw (2021) No. 21-007
 - Official Community Plan, Amendment Bylaw (No. 37) No. 21-008
 - Land Use Contract Discharge (3080, 3082 and 3090 Washington Avenue) Bylaw No. 21-019.
- **Approval of the Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue**

After a Public Hearing held on March 25, 2021, adoption of the bylaws was withheld pending confirmation that the legal documents had been registered on title. Registration has now occurred and Council may now consider adoption of the above bylaws and approval of the Development Permit.

G. CORRESPONDENCE

G.1. Letter from the Mayor of the Corporation of the District of Saanich

107

A letter from the Mayor of the Corporation of the District of Saanich regarding the British Columbia Climate Action Revenue Incentive Program (CARIP) ending.

***G.2. Letter from Minister of Forests, Lands, Natural Resource Operations and Rural Development**

120

Addenda: New Item

A letter from the Letter from Minister of Forests, Lands, Natural Resource Operations and Rural Development regarding a plan to modernize forest policy.

H. CLOSED MEETING

MOTION TO CLOSE THE JUNE 10, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

I. APPROVAL OF CLOSED AGENDA

J. READING OF CLOSED MINUTES

J.1. Minutes from the closed meeting held April 15, 2021

J.2. Minutes from the closed meeting held May 27, 2021

J.3. Minutes from the closed COTW meeting held May 13, 2021

*J.4. Minutes from the closed COTW meeting held May 6, 2021

*J.5. Minutes from the closed meeting held May 6, 2021

K. UNFINISHED BUSINESS

L. CORRESPONDENCE

M. NEW BUSINESS

*M.1. Legal Advice - Section 90(1)(i)

*M.2. Legal Advice - Section 90(1)(i)

M.3. Employee Relations - Community Charter Section 90(1)(c)

M.4. Employee Relations - Community Charter Section 90(1)(c)

N. CONSIDERATION TO RISE & REPORT

O. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

May 27, 2021, 6:30 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT,
625 FISGARD STREET, VICTORIA, B.C.

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, C. Kingsley - City Clerk, G. Milne – Head of Strategic Operations, M. Betanzo – Senior Planner, M. Heiser - Committee Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto
Seconded By Councillor Loveday

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

B. POETRY

The Poet Laureate, John Barton, read a poem.

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew
Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Jayda Lynn: Helping Victoria's Youth

Outlined for Council the severity of mental health and addiction related problems youth are experiencing in the City of Victoria.

D.2 Todd Litman: Bikeway Benefits

Outlined for Council highlights of a study, "Evaluating Bikeway Criticism", which examines claims that bikeways are inefficient and unfair.

F. PUBLIC AND STATUTORY HEARINGS

F.1 HEARING CANCELLED: 580-582 Niagara Street; Rezoning Application No. 00721

The public hearing for 580-582 Niagara Street was cancelled.

F.2 1244 Wharf Street: Rezoning Application No. 00739

Zoning Regulation Bylaw Amendment Bylaw (No. 1243) - No. 21-012:
To rezone the land known as 1244, 1250 and 1252 Wharf Street to permit Hotel use and to permit residential uses to be located below the ground floor.

F.2.a Public Hearing & Consideration of Approval

Miko Betanzo (Planner): Advised that the application is to allow for hotel use and for residential use to be permitted below the ground floor.

Mayor Helps opened the public hearing at 6:47 p.m.

Greg Damant (Applicant): Provided information regarding the application.

Ken Johnson (Victoria): Expressed support for the application due to the sensible use and design.

Council recessed from 7:00 p.m. until 7:06 p.m. to provide an opportunity for members of the public to call to speak live.

No further persons called in to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 7:07 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That the following bylaw be given third reading:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1243) No. 21-012

Council discussed:

- *The restriction of short term rentals*
- *Contribution to the Downtown core*

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the following bylaw be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1243) No. 21-012

CARRIED UNANIMOUSLY

F.3 123/125 Government Street: Development Variance Permit Application No. 00252

Development Variance Permit Application No. 00252

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 123 / 125 Government Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: to facilitate the strata-subdivision of the subject property by allowing a one stall parking variance and setback variance for an existing lower storey window on the side elevation (south) from 3.0 m to 2.4 m.

F.3.a Opportunity for Public Comment & Consideration of Approval:

Miko Betanzo (Planner): Advised that the application is to allow for a one stall parking variance for the existing two family dwelling to allow strata subdivision of the existing two family dwelling and for a side yard setback variance (south) for an existing window.

Mayor Helps opened the opportunity for public comment at 7:11 p.m.

Ryan Wyllie (Applicant): Provided information regarding the application.

Council recessed from 7:16 p.m. until 7:21 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 7:21 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council authorize the issuance of Development Variance Permit Application No. 00252 for 123/125 Government Street in accordance with:

1. Plans date stamped October 2, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the required parking from two stalls to one stall;
 - ii. Reduce the setback requirement for a lower storey window on the side elevation (south) from 3.0 m to 2.4 m.

3. The Development Variance Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.4 1250 Dallas Road: Development Variance Permit Application No. 00254

Development Variance Permit Application No. 00254

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1250 Dallas Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw*, Dallas Road Restricted Conversion District, R1-41 Zone, namely:

1. increase the height of the accessory building from 3.5m to 4.73m
2. increase the floor area of an accessory building from 37m² to 55.2 m²
3. reduce the required vehicle parking from 7 stalls to 4 stalls.

The proposal is to allow additional floor area (in the loft) in the existing accessory building (garage).

F.4.a Opportunity for Public Comment & Consideration of Approval

Miko Betanzo (Planner): Advised that the application is to add dormers to the existing garage with variances for height of accessory building and size of accessory building and reduction of one parking stall.

Mayor Helps opened the opportunity for public comment at 7:23 p.m.

Michael Moody (Applicant): Provided information regarding the application.

Brandi Roth (Howe Street): Expressed concerns for the application due to the parking restraints.

Council recessed from 7:30 p.m. until 7:35 p.m. to provide an opportunity for members of the public to call to speak live.

No further persons called in to speak to the proposed application.

Council discussed:

- *Window placement and the proposed additions*
- *Location of stone wall and property line*
- *Neighbouring properties concerns with parking limitations*
- *Parking stall width*

Mayor Helps closed the opportunity for public comment at 7:46 p.m.

Moved By Mayor Helps

Seconded By Councillor Loveday

That Council authorize the issuance of Development Variance Permit Application No. 00254 for 1250 Dallas Road, in accordance with:

1. Plans date stamped January 25, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height of the accessory building from 3.5m to 4.73m
 - ii. increase the floor area of an accessory building from 37m² to 55.2 m²
 - iii. reduce the required vehicle parking from 7 stalls to 4 stalls.
3. One six space bicycle rack to be installed in the rear yard.
4. The Development Variance Permit lapsing two years from the date of this resolution.

Council discussed:

- *Positioning of dormers*
- *Construction occurring before permitted*

Motion to speak:

Moved By Councillor Alto

Seconded By Councillor Loveday

That Councillor Thornton-Joe be permitted to speak again on this matter.

CARRIED UNANIMOUSLY

On the motion:

FOR (4): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts

OPPOSED (5): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

DEFEATED (4 to 5)

H. UNFINISHED BUSINESS

H.1 Bylaw for 1475 Fort Street: Development Permit with Variances Application No. 00120

The Director of Sustainable Planning and Community Development delivered an update regarding next steps should the vote on this application be defeated.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (1475 Fort Street) Bylaw (2021) No. 21-057

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Young

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street in accordance with:

1. Plans date stamped April 30, 2021
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);
 - vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped April 30, 2021 with the following revisions:
 - i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution."

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

O. **ADJOURNMENT**

Moved By Councillor Andrew
Seconded By Councillor Alto

That the Council meeting adjourn.
TIME: 8:14 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

May 27, 2021, 11:28 A.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET,
VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Councillor Alto in the Chair, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

ABSENT FOR A PORTION OF THE MEETING: Mayor Helps (resumed the Chair at 1:15 p.m.)

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. Biem - Assistant City Solicitor, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, G. Milne - Head of Strategic Operations, D. Newman - Assistant Director, Facilities and Construction Management, P. Rantucci - Head of Strategic Real Estate, A. Johnston - Planner, M. Sandhu - Head of Service Innovation & Improvement, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be approved

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the evening meeting held April 8, 2021

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the minutes from the Evening Council meeting held April 8, 2021 be adopted.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the May 20, 2021 COTW Meeting

E.1.a.a 1150 Douglas Street: Local Government Recommendation for Cannabis Application (Downtown)

Moved By Councillor Andrew

Seconded By Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB):

The Council of the City of Victoria supports the application of Seed and Stone at 1150 Douglas Street to receive a provincial cannabis retail store license with the following comments:

 - a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Seed and Stone at 1150 Douglas Street.
 - b. Bylaw and Licensing Services and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.

The Victoria Police Department notes that a mall is a popular place for young people for both employment and socialization.
 - c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 1146 notices and received 4 responses, including correspondence from the Downtown Residents Association received after the end of the opportunity for public comment.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

CARRIED UNANIMOUSLY

E.1.a.b Victoria 3.0 Recovery Reinvention Resilience Progress Report

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That Council:

1. Approve \$117,000 from the 2021 Financial Plan contingency budget to support the initial planning for the Arts & Innovation District.
2. Request that staff brainstorm specific actions to ensure that economic development proceeds in an inclusive and equitable manner.

Amendment:

Moved by Councillor Loveday

Seconded by Councillor Isitt

3. That Council direct staff to report back with opportunities to provide a circular economy lens to actions within the Victoria 3.0 strategy.

CARRIED UNANIMOUSLY

On the main motion as amended:

1. Approve \$117,000 from the 2021 Financial Plan contingency budget to support the initial planning for the Arts & Innovation District.
2. Request that staff brainstorm specific actions to ensure that economic development proceeds in an inclusive and equitable manner.
3. That Council direct staff to report back with opportunities to provide a circular economy lens to actions within the Victoria 3.0 strategy.

CARRIED UNANIMOUSLY

E.1.a.c Options to Support Rapid Deployment of Affordable Housing through Regulatory and Process Changes

Moved By Councillor Alto

Seconded By Councillor Potts

1. That Council direct staff to:
 - a. undertake focused consultation with non-profit affordable housing providers, the Urban Development Institute and

- CALUCs in relation to the proposal to amend the Zoning Bylaws and Land Use Procedures Bylaw, as identified in this report;
- b. in a subsequent report, provide Council with details of the feedback received and how the feedback has affected the amendments to the Zoning Bylaws and Land Use Procedures Bylaw.
 - c. in a subsequent report, provide Council with information on options for further expediting non-market housing applications in a way that does not require complete delegation of Council's authority.
- And concurrently:
2. That Council direct staff to prepare amendments to the Land Use Procedures Bylaw, consistent with the "tier one option" in this report, to delegate the authority to the Director of Sustainable Planning and Community Development to issue all Development Permits, with or without variances, offering affordable non-market housing secured by legal agreement.
 3. That Council direct staff to prepare amendments to the Zoning Regulation Bylaw and Zoning Bylaw 2018, consistent with the "tier two option" in this report, to allow the maximum density contemplated in the Official Community Plan to be the maximum density permitted for a specific site, where an affordable non-market housing development is proposed and affordable dwelling units are secured with a legal agreement to the satisfaction of Director of Sustainable Planning and Community Development and the City Solicitor.
 4. Staff report back to Council after a 2 year period to evaluate the effectiveness of this new policy.

Councillor Andrew requested that a separate vote be called on the number 1.

Council discussed the following:

- *The new procedure for COTW items to go forward for ratification to Council at two week intervals*
- *Additional clarity on tenure of affordability in a building and how this affects future consultations with community*

Motion to refer:

Moved by Councillor Andrew

Seconded by Councillor Young

That this item be referred to the June 3, 2021 Council meeting

Amendment:

Moved by Councillor Isitt

That this item be referred to the ~~June 3~~ **May 27**, 2021
Council meeting

FAILED TO PROCEED DUE TO NO SECONDER

On the motion to refer:

FOR (4): Councillor Alto, Councillor Andrew, Councillor
Thornton-Joe, Councillor Young

OPPOSED (4): Councillor Dubow, Councillor Isitt,
Councillor Loveday, Councillor Potts

DEFEATED (4 to 4)

Amendment:

Moved by Councillor Loveday

Seconded by Councillor Alto

5. And that Council direct staff to report back with
opportunities and implications of applying these same rules
to co-operative housing.

CARRIED UNANIMOUSLY

On the number 1:

1. That Council direct staff to:
 - a. undertake focused consultation with non-profit affordable housing providers, the Urban Development Institute and CALUCs in relation to the proposal to amend the Zoning Bylaws and Land Use Procedures Bylaw, as identified in this report;
 - b. in a subsequent report, provide Council with details of the feedback received and how the feedback has affected the amendments to the Zoning Bylaws and Land Use Procedures Bylaw.
 - c. in a subsequent report, provide Council with information on options for further expediting non-market housing applications in a way that does not require complete delegation of Council's authority.

FOR (5): Councillor Alto, Councillor Dubow, Councillor Isitt,
Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Andrew, Councillor Thornton-
Joe, Councillor Young

CARRIED (5 to 3)

On the number 2, 3, 4, and 5 as amended:

And concurrently:

2. That Council direct staff to prepare amendments to the Land Use Procedures Bylaw, consistent with the “tier one option” in this report, to delegate the authority to the Director of Sustainable Planning and Community Development to issue all Development Permits, with or without variances, offering affordable non-market housing secured by legal agreement.
3. That Council direct staff to prepare amendments to the Zoning Regulation Bylaw and Zoning Bylaw 2018, consistent with the “tier two option” in this report, to allow the maximum density contemplated in the Official Community Plan to be the maximum density permitted for a specific site, where an affordable non-market housing development is proposed and affordable dwelling units are secured with a legal agreement to the satisfaction of Director of Sustainable Planning and Community Development and the City Solicitor.
4. Staff report back to Council after a 2 year period to evaluate the effectiveness of this new policy.
5. And that Council direct staff to report back with opportunities and implications of applying these same rules to co-operative housing.

FOR (5): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Young

CARRIED (5 to 3)

E.1.a.d The City of Victoria Electric Vehicle Strategy Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

That Council:

1. Receive the draft City of Victoria Electric Vehicle Strategy to support implementation of the Climate Leadership Plan for information (Appendix B).
2. Receive the draft Electric Vehicle Strategy Technical Report for information (Appendix C).
3. Direct staff to bring forward a 5 year capital plan including a budget request for 2022 as part of the 2022 Financial Planning process that is aligned with this strategy to support delivery of targets identified in the Climate Leadership Plan and Go Victoria.
4. Direct staff to bring back the final version of the City of Victoria Electric Vehicle Strategy for approval in Q4 2021.
5. That staff report back on the feasibility of adding bike charging and mobility charging stations to this project and report back at the next update on this project.

Amendment:

Moved by Councillor Isitt

Seconded by Councillor Potts

5. That staff report back on the feasibility of adding bike charging and mobility charging stations **as well as other actions to support micro-mobility** to this project and report back at the next update on this project.

CARRIED

On the main motion as amended:

That Council:

1. Receive the draft City of Victoria Electric Vehicle Strategy to support implementation of the Climate Leadership Plan for information (Appendix B).
2. Receive the draft Electric Vehicle Strategy Technical Report for information (Appendix C).
3. Direct staff to bring forward a 5 year capital plan including a budget request for 2022 as part of the 2022 Financial Planning process that is aligned with this strategy to support delivery of targets identified in the Climate Leadership Plan and Go Victoria.
4. Direct staff to bring back the final version of the City of Victoria Electric Vehicle Strategy for approval in Q4 2021.
5. That staff report back on the feasibility of adding bike charging and mobility charging stations as well as other actions to support micro-mobility to this project and report back at the next update on this project.

FOR (7): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

E.1.a.e Council Member Motion - Addressing Parking Pressures in Victoria West

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council:

1. Direct staff to work with the Island Corridor Foundation and other entities to explore options for addressing parking pressures in Victoria West.

CARRIED UNANIMOUSLY

E.1.a.f Council Member Motion - Support for Housing Outreach Pilot Project

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council:

1. Authorizes a one-time grant of \$60,000 to the Quadra Village Community Centre and partner agencies for the Housing Outreach Pilot Project, funded from the 2021 contingency.
2. Directs staff to finalize the terms of this allocation to the satisfaction of the City's Chief Financial Officer and Director of Sustainable Planning and Community Development, including ensuring access to this service for newcomers, Indigenous, Black, Asian and other persons of colour.
3. Requests that the Quadra Village Community Centre work with partner Community Associations to provide a final report to Council following completion of the pilot project, including information about the demographic of people who access the service, subject to privacy legislation.

Motion to refer:

Moved by Councillor Andrew

Seconded by Councillor Isitt

To refer this item to the June 3, 2021 Daytime Council meeting

CARRIED UNANIMOUSLY

E.1.b Report from the May 27, 2021 COTW Meeting

E.1.b.a Temporary Relocation of Council Meetings

Council discussed the following:

- *The ability of the CRD building to accommodate in-person public participation in Council meetings*
- *Staff are looking to the province to amend their ministerial orders regarding public participation*
- *Staff will bring forward a plan to re-introduce in-person public participation*

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council:

1. Authorize the holding of Council and Committee of the Whole Meetings between June 15, 2021 and August 31, 2021 at the Capital Regional District Board Room; and

CARRIED UNANIMOUSLY

E.1.b.b Banfield Park Dock Expansion and Gorge Waterway Park

Moved By Councillor Isitt

Seconded By Councillor Andrew

That Council direct staff to:

1. Prepare amendments to the Gorge Waterway Park Zoning Regulation Bylaw in order to facilitate the expansion of the Banfield Park swimming dock;
2. Waive the requirement for pre-submission Community Association Land Use Committee consultation; and
3. Direct staff to initiate development of the Gorge Waterway Park Management Plan, with input from representatives of the Gorge Swim Fest Society
4. Direct staff to report back on the feasibility of enhancing Banfield Park for access to the shoreline in the 2022 Strategic Plan.

CARRIED UNANIMOUSLY

E.1.b.c 900-912 Vancouver St and 930-990 Burdett Ave: Development Permit with Variances Application No. 00164 (Fairfield)

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

1. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
 - “That Council authorize the issuance of Development Permit with Variance Application No. 00164 for 900-912 Vancouver Street & 930-990 Burdett Avenue, in accordance with:
1. Plans date stamped May 11, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Reduce the vehicle parking from 97 stalls to 73 stalls.
3. Registration of legal agreements on the property's title to secure the following:

- i. the removal of the modular classroom building within five years of Council approval of Development Permit with Variance Application No. 00164, to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - ii. a 1.5 metre Statutory Right-of-Way adjacent to Rockland Avenue to the satisfaction of the Director of Engineering and Public Works.
4. Final plans generally in accordance with the plans date stamped April 27, 2021 with the following revision:
 - i. amend the site plan to include a statutory right-of-way along a portion of the Rockland Avenue frontage to accommodate a future sidewalk, to the satisfaction of the Director of Engineering and Public Works
 - ii. amend the parking layout to accommodate the statutory right-of-way along Rockland Avenue.
5. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for Streets and Traffic, Amendment Bylaw (No. 10)

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

That the following bylaw **be given first, second and third readings:**

1. Streets and Traffic Bylaw, Amendment Bylaw (No. 10) No. 21-056

CARRIED UNANIMOUSLY

F.2 Bylaws for 415 and 435 Michigan: Rezoning Application No. 00637 and Development Permit with Variances Application No. 00055

Councillor Isitt withdrew from the meeting at 12:10 p.m. due to a non-pecuniary conflict of interest with the following item, as his father lives near the property.

Councillor Potts withdrew from the meeting at 12:10 p.m. due to a pecuniary conflict of interest with the following item, as she lives near the property.

Council, by unanimous consent, considered the following motion:

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

CARRIED UNANIMOUSLY

Council, by unanimous consent, considered the following motion:

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (415 and 435 Michigan Street) Bylaw 2021 No. 21-045

CARRIED UNANIMOUSLY

F.3 Bylaw for 1177–1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731

Councillor Isitt and Councillor Potts returned to the meeting at 12:14 p.m.

Moved By Councillor Andrew

Seconded By Councillor Young

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1252) No. 21-043

CARRIED UNANIMOUSLY

F.4 Bylaw for 1475 Fort Street: Development Permit with Variances Application No. 00120

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (1475 Fort Street) Bylaw (2021) No. 21-057

FOR (7): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

Moved By Councillor Alto

Seconded By Councillor Potts

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street in accordance with:

1. Plans date stamped April 30, 2021
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;

- iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);
 - vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped April 30, 2021 with the following revisions:
 - i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
 4. The Development Permit lapsing two years from the date of this resolution.”

FOR (4): Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts
OPPOSED (4): Councillor Young, Councillor Andrew, Councillor Isitt, Councillor Thornton-Joe

DEFEATED (4 to 4)

Councillor Andrew requested the vote on the Development Permit with Variance be recalled.

Councillor Alto requested the vote on Housing Agreement be recalled.

Moved by Councillor Alto
Seconded by Councillor Loveday

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (1475 Fort Street) Bylaw (2021) No. 21-057

Motion to refer:

Moved by Councillor Andrew
Seconded by Councillor Thornton-Joe

That this item be referred to the May 27, 2021 Evening Council meeting.

CARRIED UNANIMOUSLY

Council recessed at 12:31 p.m. and reconvened at 1:15 p.m.

Mayor Helps resumed the Chair at 1:15 p.m.

**COUNCIL ACCEPTED AN AWARD ON BEHALF OF THE CITY OF VICTORIA
FOR BEING CERTIFIED A LIVING WAGE EMPLOYER**

F.5 Bylaw for Delegation of Signing Authority Bylaw Amendment Bylaw

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Delegation of Signing Authority Bylaw, Amendment Bylaw (No. 2) No. 21-039

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

G. CORRESPONDENCE

**G.1 Letter from the Minister of Energy, Mines and Low Carbon Innovation;
Minister of Municipal Affairs; and Minister of Environment and Climate
Change Strategy**

Council received a letter dated May 12, 2021 from the Minister of Energy, Mines and Low Carbon Innovation; Minister of Municipal Affairs; and Minister of Environment and Climate Change Strategy regarding the Help Cities Lead campaign.

Moved By Councillor Alto

Seconded By Councillor Andrew

That the letter be received for information.

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Moved By Councillor Andrew

Seconded By Councillor Young

MOTION TO CLOSE THE May 27, 2021 COUNCIL MEETING TO THE PUBLIC AT 1:23 P.M.

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

CARRIED UNANIMOUSLY

I. APPROVAL OF CLOSED AGENDA

Moved by Councillor Andrew
Seconded by Councillor Young

That the closed agenda be approved.

CARRIED UNANIMOUSLY

L. NEW BUSINESS

L.1. Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The discussion and motion were recorded kept confidential.

L.2. Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The discussion and motion were recorded kept confidential.

L.3. Land Use Matters - Community Charter Section 90(1)(e)

Council discussed a land use matter.

The discussion and motion were recorded kept confidential.

L.4. Land Acquisition - Community Charter Section 90(1)(e)

Council discussed a land acquisition matter.

The discussion and motion were recorded kept confidential.

L.5. Law Enforcement - Community Charter Section 90(1)(f)

Council discussed a law enforcement matter.

The discussion and motion were recorded kept confidential.

N. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Dubow

That the Council meeting adjourn at 2:07 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

May 6, 2021, 4:05 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET,
VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Thornton-Joe, Councillor Young, Councillor Andrew,

PRESENT ELECTRONICALLY: Councillor Alto, Councillor Dubow (joined at 4:09 p.m.), Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, M. Heiser - Committee Secretary, P. Bellefontaine - Director of Engineering & Public Works, C. Kingsley - City Clerk, S. Stoltz - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Loveday

Seconded By Councillor Alto

That the agenda be approved.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Andrew

That the May 6 COTW Report be added to the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1. Minutes from the special Council meeting held March 18, 2021

Moved By Councillor Andrew

Seconded By Councillor Young

That the minutes from the Committee of the Whole meeting held March 18, 2021 be adopted.

CARRIED UNANIMOUSLY

C.2. Minutes from the evening Council meeting held March 25, 2021

Moved By Councillor Andrew

Seconded By Councillor Young

That the minutes from the Committee of the Whole meeting held March 25, 2021 be adopted.

CARRIED UNANIMOUSLY

C.3. Minutes from the daytime Council meeting held April 1, 2021

Moved By Councillor Andrew

Seconded By Councillor Young

That the minutes from the Committee of the Whole meeting held April 1, 2021 be adopted.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Falun Dafa Day" - May 13, 2021

Moved By Councillor Loveday

Seconded By Councillor Alto

That the following proclamation be endorsed:

1. "Falun Dafa Day" - May 13, 2021

CARRIED UNANIMOUSLY

D.2 "Apraxia Awareness Day" - May 14, 2021

Moved By Councillor Andrew
Seconded By Councillor Loveday

That the following proclamation be endorsed:
"Apraxia Awareness Day" - May 14, 2021

CARRIED UNANIMOUSLY

Councillor Dubow joined the meeting at 4:09 p.m.

D.3 "Day of Action Against Asian Racism" - May 10, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That the following proclamation be endorsed:
1. "Day of Action Against Asian Racism" - May 10, 2021

CARRIED UNANIMOUSLY

D.4 Baseball Shirt Day, June 11, 2021

Moved By Councillor Potts
Seconded By Councillor Andrew

That the following proclamation be endorsed:
1. Baseball Shirt Day, June 11, 2021

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the April 22, 2021 COTW Meeting

F.1.a.a 2020 Financial Statements

Moved By Councillor Andrew
Seconded By Councillor Young

That Council approve the 2020 Financial Statements.

CARRIED UNANIMOUSLY

F.1.a.b Greater Victoria Coalition to End Homelessness: Engagement to Inform the City of Victoria Policy Regarding Encampments

Moved By Councillor Dubow
Seconded By Councillor Alto

That Council receive this report for information.

Council discussed:

- *Appreciation for the hard work involved in working to aid the homeless population,*
- *How the value for City was mainly from the census; City was not involved in directing the work.*

Moved By Councillor Potts
Seconded By Councillor Isitt

Motion to allow Councillor Dubow to speak again on the motion.

CARRIED UNANIMOUSLY

On the main motion:

FOR (8): Mayor Helps, Councillor Dubow, Councillor Thornton-Joe, Councillor Young, Councillor Loveday, Councillor Potts, Councillor Isitt, Councillor Alto
OPPOSED (1): Councillor Andrew

CARRIED (8 to 1)

**F.1.a.c 1120-1126 Hillside Avenue: Rezoning Application No. 00757
(Hillside/Quadra)**

Councillor Thornton-Joe withdrew from the meeting at 4:30 p.m. due to a non-pecuniary conflict of interest, as two of her friends own property nearby.

Moved By Councillor Andrew
Seconded By Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00757 for 1120-1126 Hillside Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a legal agreement to secure a Statutory Right-of-Way of 3.57m off Hillside Avenue, to the satisfaction of the Director of Engineering.
2. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, confirming the specifications of the bicycle parking as per Schedule C of the Zoning Regulation Bylaw.

3. An updated landscape plan and photographs showing the current landscaping

CARRIED UNANIMOUSLY

F.1.b Report from the May 6, 2021 COTW Meeting

Councillor Thornton-Joe returned to the meeting at 4:32 p.m.

F.1.b.a Development Approvals Process Review Funding Application - Council Resolution of Support

Moved By Councillor Andrew

Seconded By Councillor Alto

1. That the Council of the City of Victoria supports the submission of a funding application to the Local Government Development Approvals Process Review (DAPR) Program to review the City's regulatory framework as it relates to vehicle parking to explore and bring forward for Council's consideration opportunities to:
 - a. amend current parking standards, including the reduction or elimination of parking minimums and the introduction of parking maximums;
 - b. include creative options to advance provision of transportation demand management and green infrastructure; and
 - c. streamline the application review and approval process.
2. That the City of Victoria is committed to providing overall grant management, if awarded a grant.
3. Furthermore, the City of Victoria is a member of the BC Urban Mayors' Caucus (BCUMC), and each BCUMC member is applying for a separate DAPR grant to improve a different element of the development approvals process. The BCUMC will organize a workshop or workshops for mayors and planning staff from all BCUMC members to ensure learnings are shared and best practices can be considered by all BCUMC members.

CARRIED UNANIMOUSLY

F.1.b.b. Permissive Tax Exemption Policy – Ethno-Cultural Groups Community Centres

Councillor Thornton-Joe withdrew from the meeting at 4:33 p.m. due to a potential conflict of interest, as she is a member of an organization that operates within the Chinatown area.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council directs staff to amend the permissive tax exemption policy to provide for eligibility for an 100% exemption for ethno-cultural community centres in the City of Victoria, to take effect in the current intake period ending October 31, 2021.

However, where parking lots are 50% or more of the area, the exemption for the parking lot portion will be reduced by 20% over a five year.

FOR (7): Mayor Helps, Councillor Dubow, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Isitt, Councillor Alto
OPPOSED (1): Councillor Young

CARRIED (7 to 1)

H. CORRESPONDENCE

Councillor Thornton-Joe returned to the meeting at 4:36 p.m.

H.1 Letter from the City of Campbell River

Council received a letter dated April 28, 2021 from the Deputy City Clerk, City of Campbell River, regarding support for laid-off hotel and tourism industry workers.

Moved By Councillor Andrew

Seconded By Andrew, Thornton-Joe

That the correspondence from the City of Campbell River be received for information.

CARRIED UNANIMOUSLY

H.2 Letter from the City of Penticton

Council received a letter dated April 13, 2021 from the City of Penticton regarding the B.C. Government's Use of Provincial Paramountcy to Undermine Local Government Bylaws.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the correspondence from the City of Penticton be received for information.

Council discussed:

- *Discussed how provincial authority is important*
- *Logistics regarding timely decisions about zoning*

CARRIED UNANIMOUSLY

I. CLOSED MEETING

Moved By Councillor Andrew

Seconded By Councillor Young

MOTION TO CLOSE THE MAY 6, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

J. APPROVAL OF CLOSED AGENDA

Moved By Councillor Andrew

Seconded By Councillor Young

That the closed agenda be approved.

CARRIED UNANIMOUSLY

M. NEW BUSINESS

M.1 Land - Community Charter Section 90(1)(e)

Council discussed a land use matter.

The motion was recorded and kept confidential.

M.2 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

M.3 Legal Advice/Litigation - Community Charter Section 90(1)(g) and (i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

M.4 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

M.5 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

O. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Dubow

That the Council meeting be adjourned at 6:28 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



CITY OF VICTORIA

PROCLAMATION

“PARACHUTE NATIONAL INJURY PREVENTION DAY”

WHEREAS *July 5, 2021 will mark Parachute's fifth annual National Injury Prevention Day (NIPD): a day to raise awareness around the importance of injury prevention and help Canadians to live long lives to the fullest through education and advocacy; and*

WHEREAS *Parachute is Canada's national charity dedicated to reducing the devastating impact of preventable injuries; and*

WHEREAS *Unintentional injury is the No. 1 killer of Canadians aged 1 to 34 and costs the Canadian economy \$29.4 billion a year; and*

WHEREAS *Most injuries are predictable and preventable, and Parachute hopes to raise awareness on preventing injuries on the road, at home, and at play; and*

WHEREAS *By providing the necessary information and tools, Parachute continues to work diligently to ensure that one day Canada will be free of serious injuries.*

NOW, THEREFORE *I do hereby proclaim Monday, July 5, 2021 as “PARACHUTE NATIONAL INJURY PREVENTION DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 10th day of June, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
DAVID WILSON
PARACHUTE



CITY OF VICTORIA

PROCLAMATION

“ARTHRITIS AWARENESS MONTH”

WHEREAS *Throughout the Arthritis Society’s 73-year history, community support has been critical in enabling the organization to fulfill its mission of investing in cutting-edge research, proactive advocacy and innovative information and support that will deliver better health outcomes for people affected by arthritis; and*

WHEREAS *Arthritis is a collection of conditions affecting joints and other tissues. It causes pain, restricts mobility and diminishes quality of life. It's serious. Six million - 1 in 5 Canadians - live every day with arthritis and there is no cure. Without a greater spotlight on this growing issue, the number of Canadians with arthritis will rise to 9 million by 2040; and*

WHEREAS *During Arthritis Awareness Month this September, we are encouraging everyone who lives with arthritis to stand up and boldly declare: “Arthritis Won’t Stop Me.” We seek to raise voices and awareness – one million voices for the 6 million Canadians whose lives have been significantly impacted by arthritis; and*

WHEREAS *The Arthritis Society is a charitable organization working to overcome Canada’s most pervasive chronic health condition and together we can achieve our vision to live in a world where people are free from the devastating effects of arthritis; and*

WHEREAS *We respectfully request that the City of Victoria issue a proclamation declaring September as Arthritis Awareness Month to help us reach Victorians with our message and to illustrate your support for those living with the disease, and their families; and*

NOW, THEREFORE *I do hereby proclaim the month of September 2021 as “ARTHRITIS AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of June, Two Thousand and Twenty-One.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Franck Bernard
The Arthritis Society



CITY OF VICTORIA

PROCLAMATION

“LONGEST DAY OF SMILES”

WHEREAS *Operation Smile Canada announces June 20, 2021 as the Longest Day of SMILES to raise funds and awareness; and*

WHEREAS *Operation Smile is a global medical charity helping to improve the health and lives of children in more than 60 countries. We have provided more than 300,000 children and young adults born with cleft lip, cleft palate and other facial differences with free life-changing surgical procedures and dental care. We train doctors and local medical professionals, donate medical equipment and supplies and provide year-round medical treatments through a network of comprehensive care centres; and*

WHEREAS *Every three minutes a child is born with a cleft lip, a cleft palate, or both. This statistic does not change—even during a pandemic; and*

WHEREAS *The Longest Day of SMILES will unite Canadians across the nation to raise funds, awareness, and share smiles, with each other, for children born with cleft conditions; and*

WHEREAS *on June 20, 2021 we encourage residents of Victoria to visit longestdayofsmiles.ca to learn more.*

NOW, THEREFORE *I do hereby proclaim Sunday, June 20th, 2021 as “LONGEST DAY OF SMILES” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 10th day of June, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Operation Smile Canada

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 27, 2021

For the Council meeting of June 10, 2021, the Committee recommends the following:

D.1 Letter from the UBCM President

That the letter be received for information.

Motion Arising:

That Council request the Mayor write to the Premier, Minister of Health, and local MLAs, calling on the government to adopt universal no-cost prescription contraception that covers an expansive range of options without delay, to improve public health in an equitable and cost-effective way.

Motion arising:

That Council requests that the Mayor send a response to the Province along the following lines related to the City's resolution on land value taxation:

Subject: Response to Province re: Land Value Taxation

We would like to comment on the Province's response to our resolution.

The response indicates that separate rates on land and improvements would allow "unfairly" high tax rates on undeveloped or underdeveloped land. Of course the purpose of differential rates is precisely to impose relatively higher rates on such underdeveloped land, in order to encourage development and to avoid land being held as vacant buildings, as surface parking lots, or other low-intensity uses. Like other cities Victoria has at times suffered from land being held in such uses. While development of such properties (contrary to what your response suggests) will not actually reduce property taxes, it will certainly reduce taxes relative to the income from the property, which is perhaps what you intended to say.

You have suggested that other policies might be used to offset the impact of the current system and incentivize land development. We would like to suggest that it would conversely be more appropriate for other policies to be used to offset any negative impacts of higher land taxes. For example, it has been suggested that old established businesses in old low rise buildings should be helped to stay in place. Rather than holding down land taxes on such properties, to the benefit of the owners of the land such businesses sit on (who may not be the business owners) we can envision a program that might assist them

Another issue that you should consider is the growing wealth disparity between those who own their homes and those who live in rental accommodation. We believe research would show that the bulk of the recent increase in home values has been in land rather than building values, so that a relative increase in land taxes that would gradually depress land values would probably result in a more equitable distribution of wealth.

Finally, you suggest that land held for future use with Class 6 zoning is taxed at a rate that is too high. We note that it is the municipality itself that sets the relative tax rates for different classes, so that that a much more direct solution to this perceived problem is easily available.

E.1 546 Yates Street and 566-568 Yates: Rezoning Application No. 00770 (Downtown)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00770 to add the use of Cannabis Storefront Retailer to 566-568 Yates Street and remove it from 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set subject to submission and evaluation by staff of a Heritage Alteration Permit for the changes to the front entrance.

I.1 Council Member Motion - Permissive Tax Exemptions of Parking Lots, Existing Properties

That the exemption for the parking lot portion of all properties subject to a permissive tax exemption be reduced by 20% each year over a five-year period, beginning in 2023, where surface parking lots are 50% or more of the total property area.



Council Report

For the Meeting of June 10, 2021

To: Council **Date:** May 28, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00722 and Development Permit with Variances Application No. 00159 for 2440 and 2448 Richmond Road**

RECOMMENDATION

Rezoning Application No. 00722

That first and second readings of the Zoning Regulation Bylaw, Amendment Bylaw (No. 1248) be considered by Council and a Public Hearing date be set.

Housing Agreement Bylaw

That Council give first, second, and third readings of the Housing Agreement (2440 and 2448 Richmond Road) Bylaw No. 21-024.

Development Permit with Variances Application No. 00159

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00722, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00159 for 2440 and 2448 Richmond Road, in accordance with:

1. Plans date stamped **January 20, 2021**;
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

2440 Richmond Road

- i. reduce the number of residential vehicle parking stalls from 9 to 7;
- ii. reduce the side setback (south) from 4.00m to 3.22m;
- iii. reduce the side setback (north) from 4.00m to 1.70m.

2448 Richmond Road

- i. reduce the number of residential vehicle parking stalls from 9 to 7;

- ii. reduce the side setback (south) from 4.00m to 1.70m;
- iii. reduce the side setback on a flanking street (north) from 6.00m to 3.01m.

3. The Development Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendation for a revised Rezoning Application and Development Permit with Variances Application for the properties located at 2440 and 2448 Richmond Road.

On December 10, 2020, Council passed a motion that included the following direction:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00722 for 2440 and 2448 Richmond Road, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements to:

- a. Secure all units as rental housing in perpetuity and that one unit shall be adaptable, to the satisfaction of the Director of Sustainable Planning and Community Development.**
- b. Secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:**
 - i. one car share membership per dwelling unit;**
 - ii. \$100 in car share usage credits per membership;**
 - iii. pedestrian curb extension (bulb-out) at the intersection of Richmond Road and Adanac Street;**
 - iv. 4 electric bike charging stations in each building;**
 - v. one bicycle repair station in each building.**
- c. Secure a statutory right-of-way of 4.89 meters along the Richmond Road to the satisfaction of the Director of Engineering and Public Works.**
- d. Secure reciprocal access over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Sustainable Planning and Community Development.**
- e. Secure an easement for the storm drain line on private property over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Engineering and Public Works.**

Development Permit with Variances Application No. 00159

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00722, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00159 for 2440 and 2448 Richmond Road, in accordance with:

- 1. Plans date stamped **October 22, 2020.****

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

2440 Richmond Road

- i. reduce the number of residential vehicle parking stalls from 9 to 7;
- ii. reduce the side setback (south) from 4.00m to 3.22m;
- iii. reduce the side setback (north) from 4.00m to 1.70m.

2448 Richmond Road

- i. reduce the number of residential vehicle parking stalls from 9 to 7;
- ii. reduce the side setback (south) from 4.00m to 1.70m;
- iii. reduce the side setback on a flanking street (north) from 6.00m to 3.01m.

3. Revisions to the landscape plan planting list and categories to accurately determine percentage of pollinator, food-bearing and native species; and to revisions to the ground floor entry doors to create a more welcoming streetscape, to the satisfaction of the Director of Sustainable Planning and Community Development.

4. The Development Permit lapsing two years from the date of this resolution.”

With regards to the pre-conditions that Council set in relation to these applications, staff can report that the Housing Agreement to secure all units as rental in perpetuity has now been executed and is ready for Council’s consideration of introductory readings. As well, *the applicant has registered all of the necessary agreements except there was an error with one of the easements that is being rectified and re-registered on title. At the time of this report, the registration of the easement was not complete. If registration of all agreements is not fully completed prior to the public hearing and Council decides to approve the application, the bylaws will be withheld from adoption until after the agreements are registered.*

Since Committee of the Whole, the applicant has also clarified the landscape plan and revised the ground floor entries to make them more prominent and to enhance a connection with the public realm by introducing transparent glazing on the doors. The landscape plan now shows that it meets the policy of having at least 30% of the common outdoor areas planted with native, food-bearing or pollinator species.

CONCLUSIONS

The applicant has revised the plans to clarify the landscape plan and has modified the ground floor entries to improve the buildings’ connection with the street. Additionally, the legal agreements have been executed, but at the time of writing this report, have not been fully registered. The recommendation provided for Council’s consideration contains the appropriate language to advance these applications to a Public Hearing and staff will advise if it becomes necessary to withhold final adoption.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00722, and Development Permit Application No. 00159, for the property located at 2440 and 2448 Richmond Road.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A – Plans dated January 20, 2020.

Project Data

Owner / Client:	MicroSmart Living Ltd.			<div><div>Revisions Received Date: January 20, 2021</div></div>
Architect:	Joseph R. Newell architect.aibc Joe Newell Architect Inc. 2-101 Presley Place, Victoria B.C.			
Civic Address:	2440 & 2448 Richmond Road, Victoria B.C.			
Project Description:	22 Studio Suites for Workforce Housing 11 Studio Suites per Building			
2440 Richmond Road				
Legal Description:	Lot 47 Plan VIP339 Section 25 Land District 57			
Zoning:	Current: R1-B Proposed: Site Specific Rezoning Required			
Lot Size:	696 m ² (7,491.7 ft ²)			
FootPrint:	188.7 m ² (2,031 ft ²)			
Building Floor Area:	Main Floor	155.5 m ²	1,674 ft ²	
	Second Floor	188.7 m ²	2,031 ft ²	
	Third Floor	188.7 m ²	2,031 ft ²	
	Total	532.9 m ²	5,736 ft ²	
Coverage:	27%			
Floor space ratio:	1 : 0.77			
Open site Space:	43.5% (3,264ft ²)			
front site Space:	70%			
Building Height:	9.7 m (31.82 ft)			
Setbacks:	North Side Yard:	1.7m	(5'-7")	
	Front Yard:	8.54m	(28'-0")	
	South Side Yard:	3.23m	(10'-7")	
	Rear Yard:	16.54m	(54'-3 1/4")	
Vehicle Parking:	0.75 Spaces / Dwelling = 8.25 (8) Spaces 0.1 Visitor Spaces / Dwelling = 1.1 (1) Space <u>9 Spaces Required / 7 Spaces Provided *Variance Requested</u>			
Bicycle Parking: 11 Class 1 spaces plus 1 6-space Class 2 rack Required and Provided				
Unit Types & Numbers:	2 - Suite Type B	33.4 m ²	360 ft ²	
	4 - Suite Type C	33.4 m ²	360 ft ²	
	4 - Suite Type D	34.2 m ²	368 ft ²	
	1 - Suite Type E	27.9 m ²	300 ft ²	
2448 Richmond Road				
Legal Description:	Lot 46 Plan VIP339 Section 25 Land District 57			
Zoning:	Current: R1-B Proposed: R3-A1 Rezoning Required			
Lot Size:	727 m ² (7,825.4 ft ²)			
FootPrint:	188.7 m ² (2,031 ft ²)			
Building Floor Area:	Main Floor	167.7 m ²	1,805 ft ²	
	Second Floor	188.7 m ²	2,031 ft ²	
	Third Floor	188.7 m ²	2,031 ft ²	
	Total	545.1 m ²	5,867 ft ²	
Coverage:	26 %			
Floor space ratio:	1.0 : 0.75			
open site Space:	44% (3,445ft ²)			
front site Space:	57%			
Building Height:	8.93 m (29.29 ft)			
Setbacks:	Ext. Side Yard:	3.02m	(9'-11")	
	Front Yard:	8.75m	(28'-8 1/4")	
	Side Yard:	1.7m	(5'-7")	
	Rear Yard:	16.34m	(53'-7 1/2")	
Vehicle Parking:	0.75 Spaces / Dwelling = 8.25 (8) Spaces 0.1 Visitor Spaces / Dwelling = 1.1 (1) Space <u>9 Spaces Total / 7 Spaces Provided *Variance Requested</u>			
Bicycle Parking: 11 Class 1 spaces plus 1 6-space Class 2 rack Required/Provided				
Unit Types & Numbers:	1 - Suite Type A	39.6 m ²	426 ft ²	
	2 - Suite Type B	33.4 m ²	360 ft ²	
	4 - Suite Type C	33.4 m ²	360 ft ²	
	4 - Suite Type D	34.2 m ²	368 ft ²	

2440 Richmond avg. grade

int. ref.	grade 1	grade 2	avg.	peri.	grade
A-B	20.00	20.60	20.30	14.70	298.41
b-c	20.60	20.65	20.63	11.10	228.99
c-d	20.65	20.10	20.38	14.70	299.59
d-e	20.10	20.00	20.05	11.10	222.56
			51.6		1,049.55
proposed average grade					20.34

2448 Richmond avg. grade

int. ref.	grade 1	grade 2	avg.	peri.	grade
A-B	20.30	20.00	20.15	16.90	340.54
b-c	20.00	20.00	20.00	11.10	222.00
c-d	20.30	20.40	20.20	14.70	296.94
d-e	20.40	20.40	20.40	5.50	112.20
e-f	20.40	20.30	20.35	2.20	44.77
f-g	20.30	20.30	20.30	5.60	113.68
			56.00		1,130.13
proposed average grade					20.18

Drawing List

Architectural	
A1	Cover Sheet
A2	Site Plan
A3	Building A Floor Plans
A4	Building A Elevations
A5	Building B Floor Plans
A6	Building B Elevations
A7	Building Sections
A8	Street Elevations

Proposed View Looking Southwest from Richmond & Adanac



Project Location



Proposed View Looking west from Richmond Road



2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

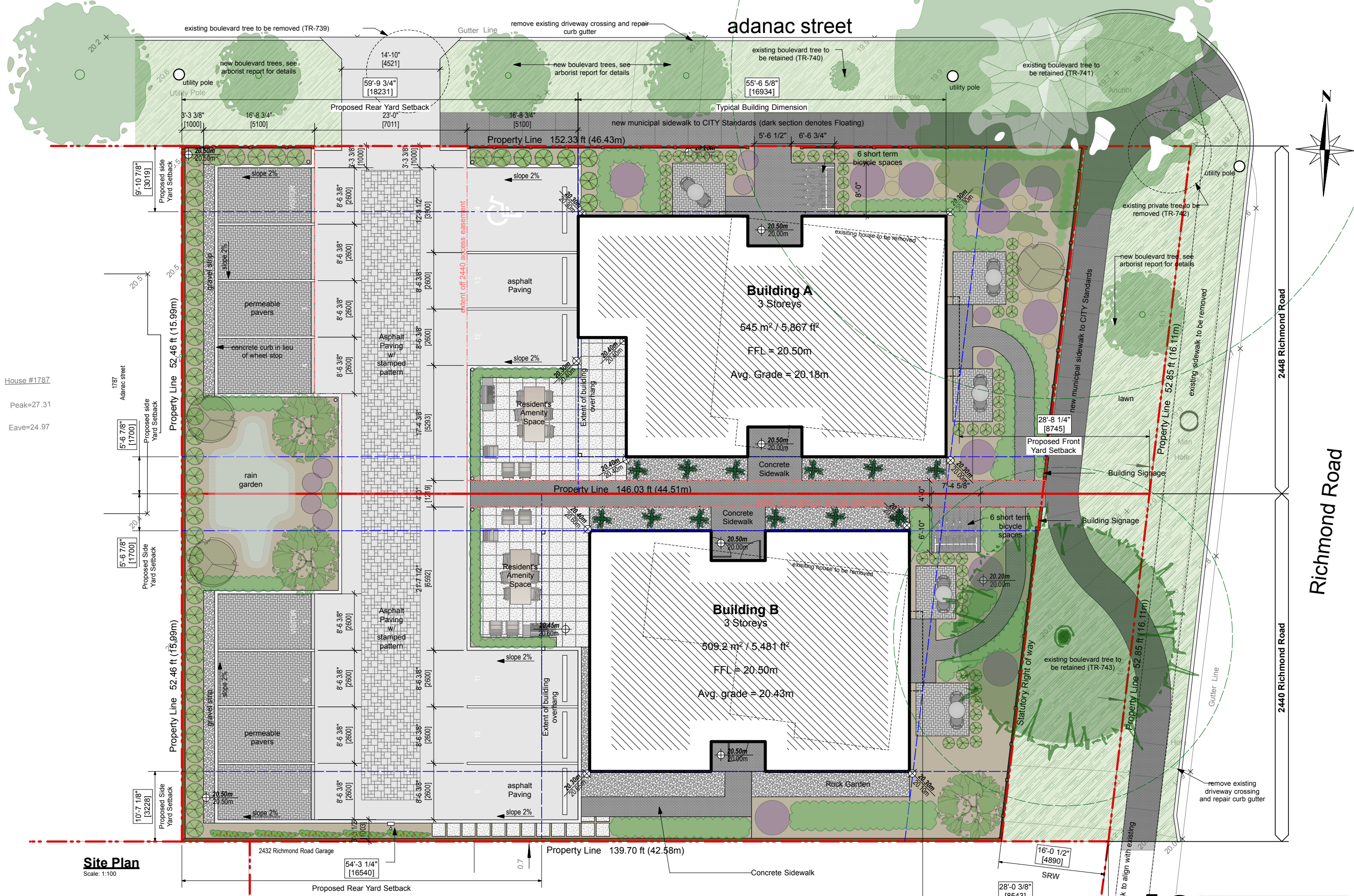
11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A1

Joe Newell
architect inc.

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com

Date: 2019.11.22
RevA: 2020.02.25
RevB: 2020.04.20
RevC: 2020.06.15
RevD: 2020.07.03
RevE: 2020.09.11
RevF: 2020.10.20
RevG: 2020.12.17



Site Plan
Scale: 1:100

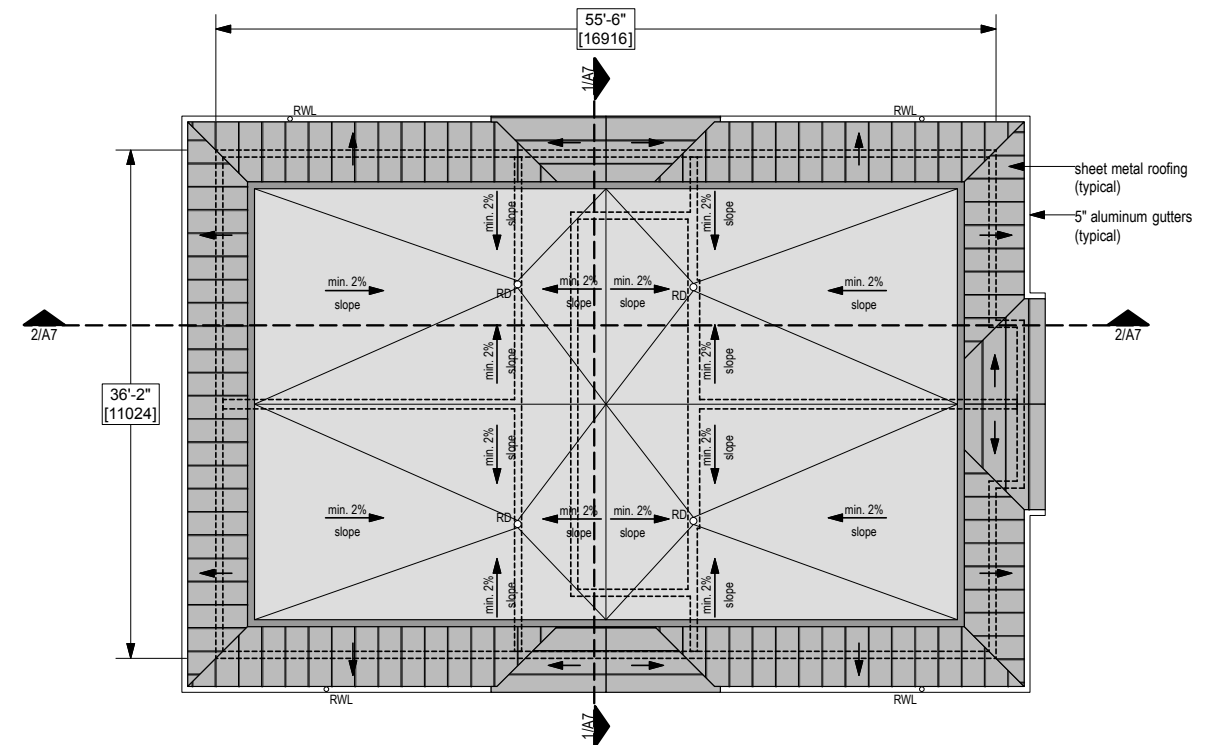
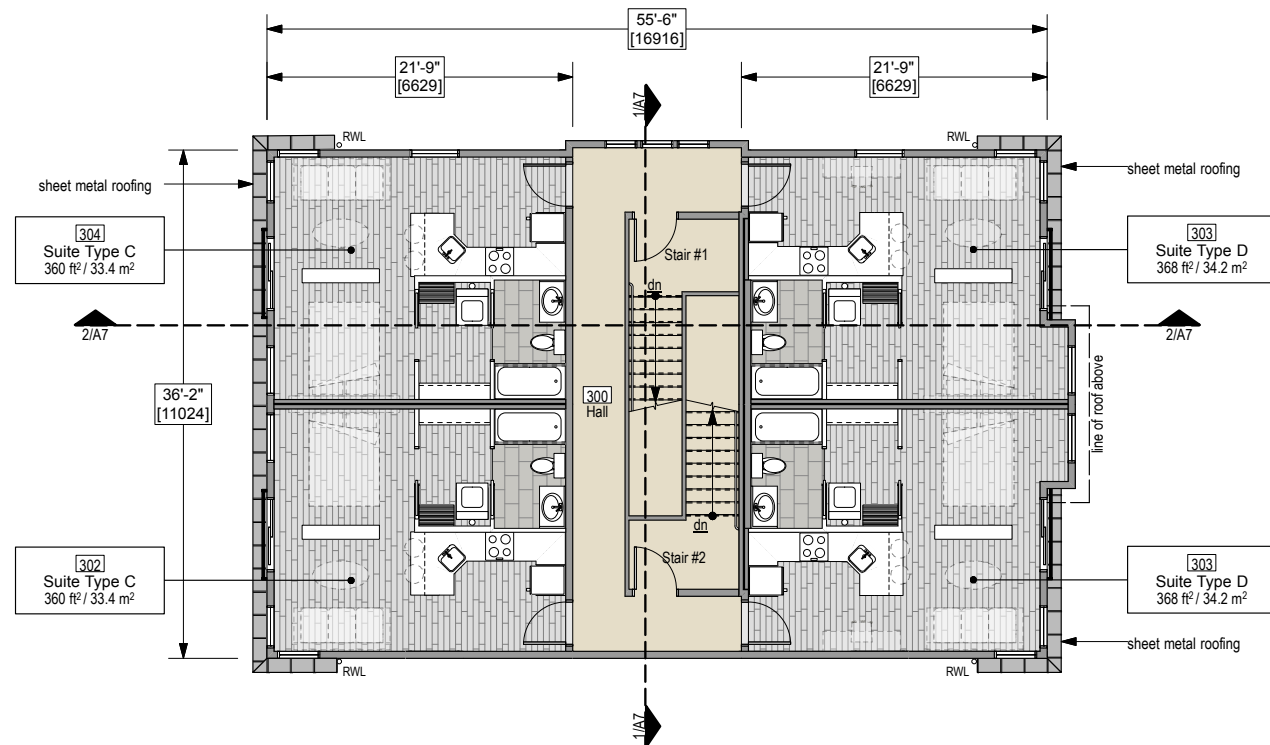
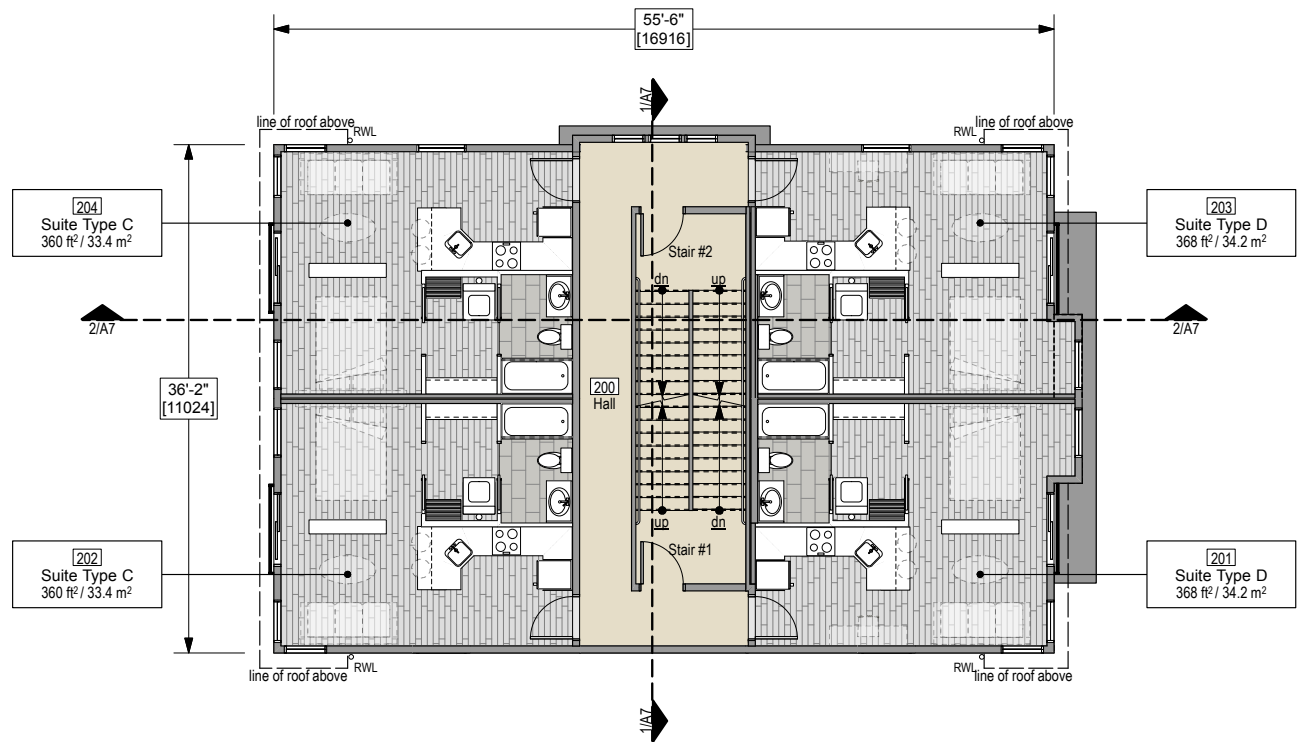
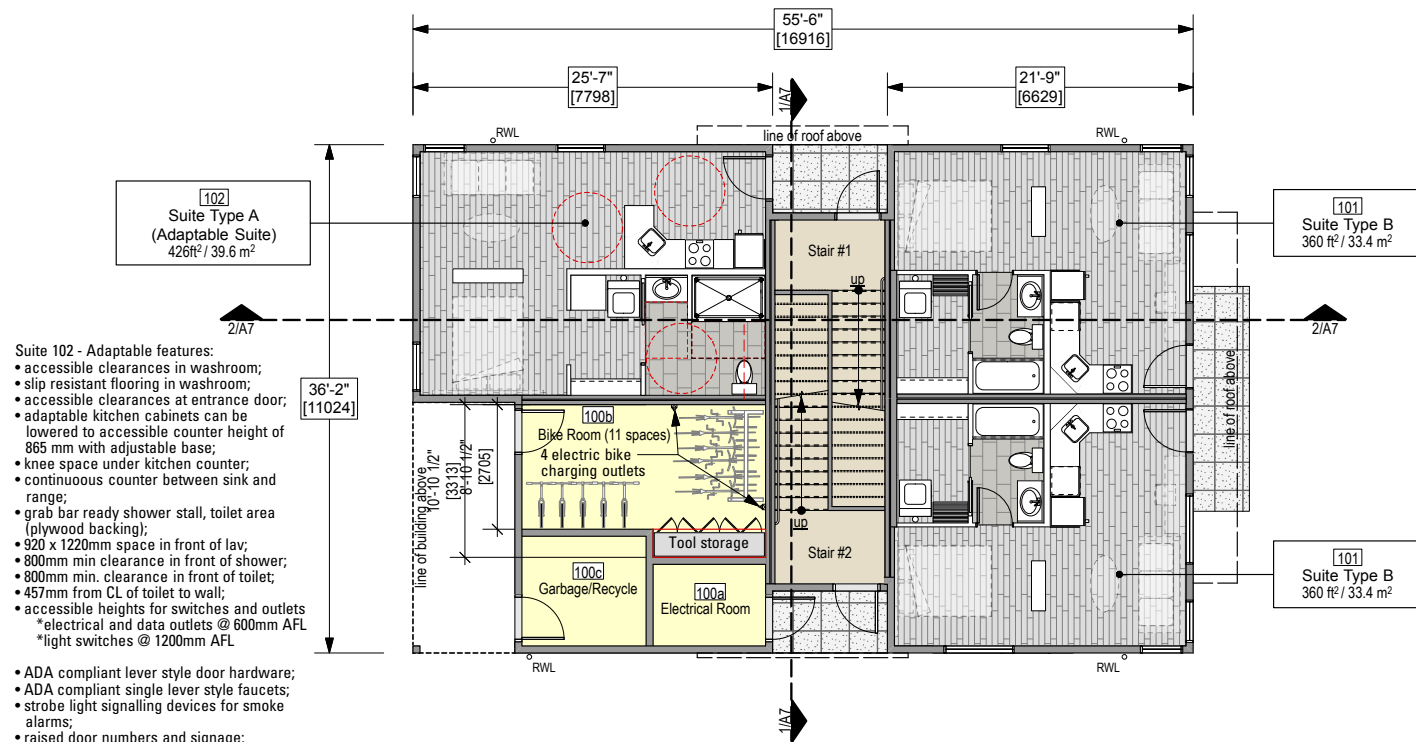
2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A2 Joe Newell
architect inc.

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com



2440 RICHMOND RD
& 2448 VICTORIA, BC

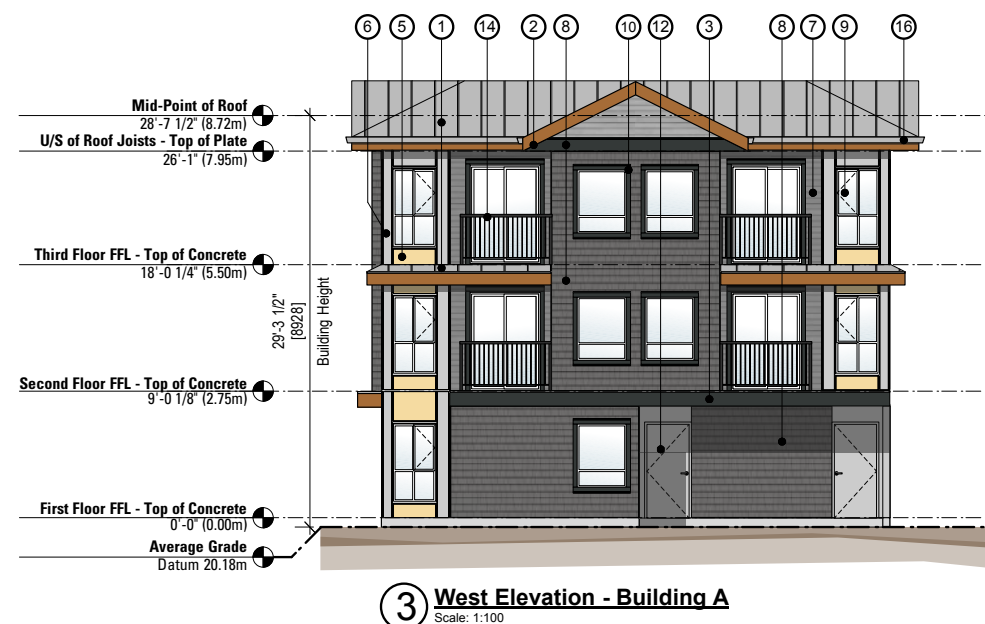
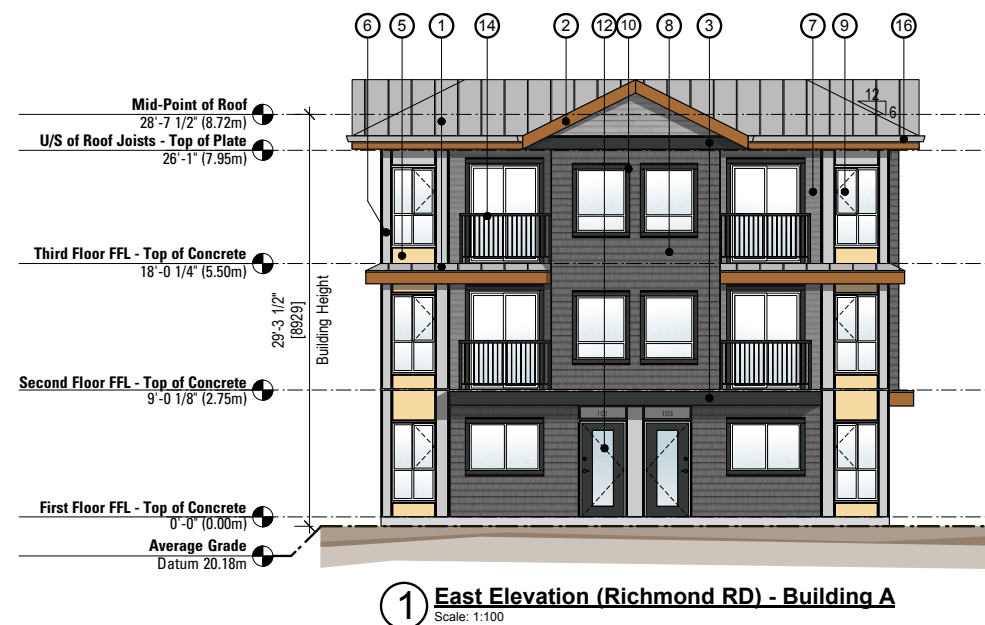
PROPOSED RESIDENTIAL DEVELOPMENT

11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A3 Joe Newell
architect inc.

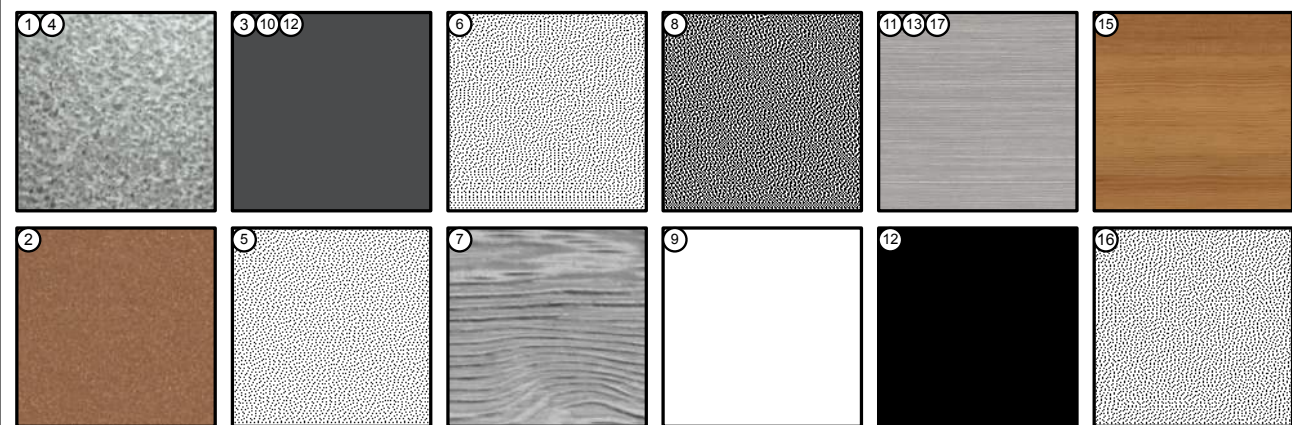
2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com

Date: 2019.11.22 Rev H: 2021.01.20
Rev A: 2020.02.25
Rev B: 2020.04.20
Rev C: 2020.06.15
Rev D: 2020.07.03
Rev E: 2020.09.11
Rev F: 2020.10.20
Rev G: 2020.12.17



Materials Key

1	Pitched Roof	Standing Seam Sheet Metal	'Galvalume'
2	Roof / Canopy Fascia	Pre-finished Sheet Metal	'Copper Penny'
3	Feature Fascia	Pre-finished Sheet Metal	BM 2124-10 'Wrought Iron'
4	Cross Cavity / Cap Flashing	Pre-finished Metal Flashing	'Galvalume'
5	Fibre Cement Siding	Smooth Panel	BM CSP-950 'Honeybee'
6	Fibre Cement Siding	Smooth Panel	BM OC-52 'Gray Owl'
7	Fibre Cement Siding	Lap Siding	RusticSeries 'Cascade Slate'
8	Fibre Cement Siding	Shingle Siding	Jamies Hardie 'Aged Pewter'
9	Windows	Vinyl Window Frames	White
10	Window/Door Trim	Painted Combed Spruce	BM 2124-10 'Wrought Iron'
11	Reveals	Prefinished Alum. Reveals	Clear Anodized
12	Exterior Suite Doors	Fiberglass - Painted	BM 2124-10 'Wrought Iron'
13	Exterior Entrance Doors	Aluminum Storefront	Anodized Aluminum
14	Deck Railing / Fence Panels	Pre-Finished Aluminium	'Black'
15	Trellis / Fencing / Posts	Cedar	'Natural' Semi-Transparent Stain
16	Gutters / Downspouts	Pre-finished Aluminum	'Slate Gray'
17	Soffits	Pre-finished Perforated Aluminum	Clear Anodized



2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

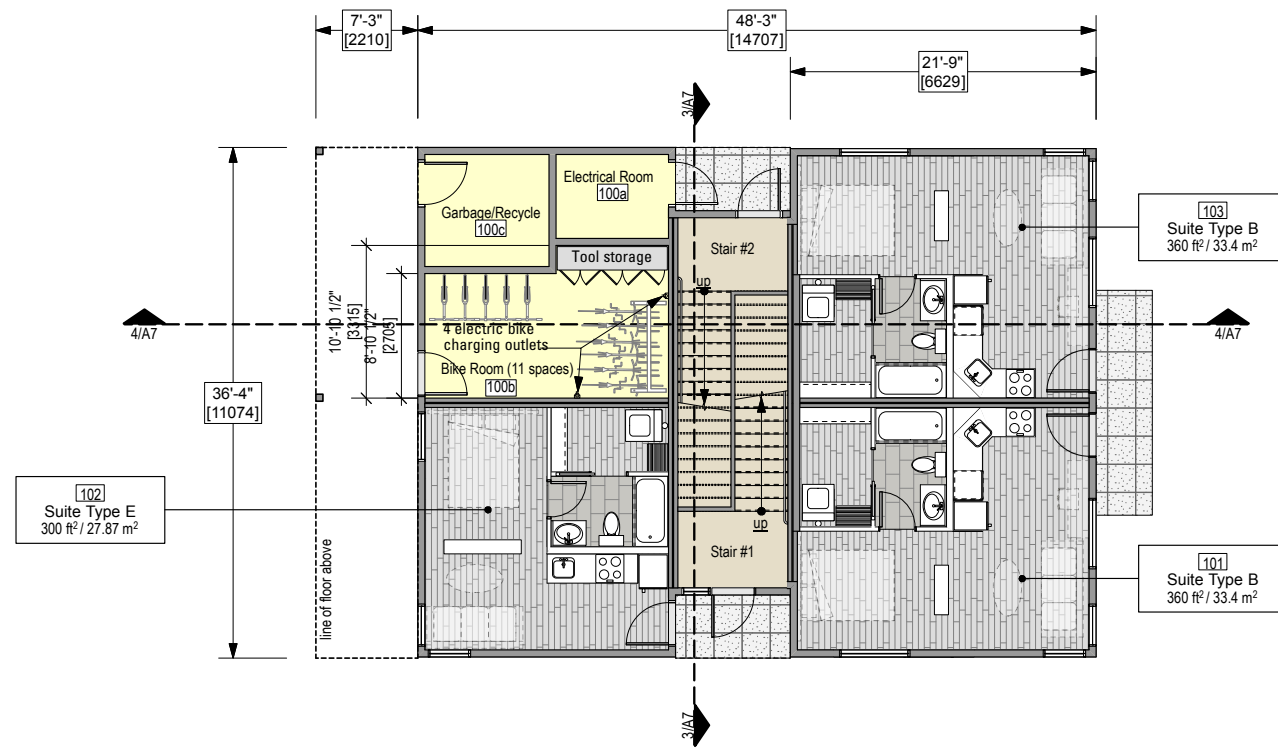
11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A4

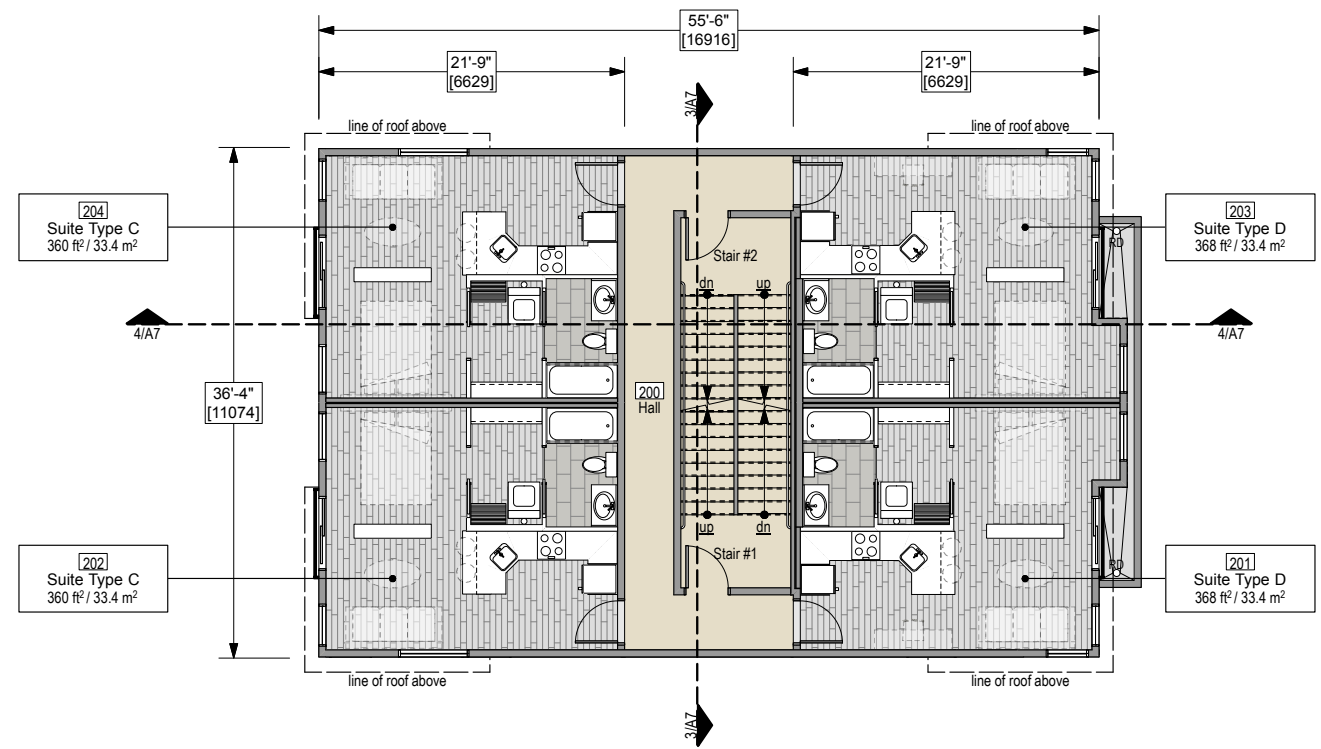
Joe Newell
architect inc.

Date: 2019.11.22
Rev A: 2020.02.25
Rev B: 2020.04.20
Rev C: 2020.06.15
Rev D: 2020.07.03
Rev E: 2020.09.11
Rev F: 2020.10.20
Rev G: 2020.12.17

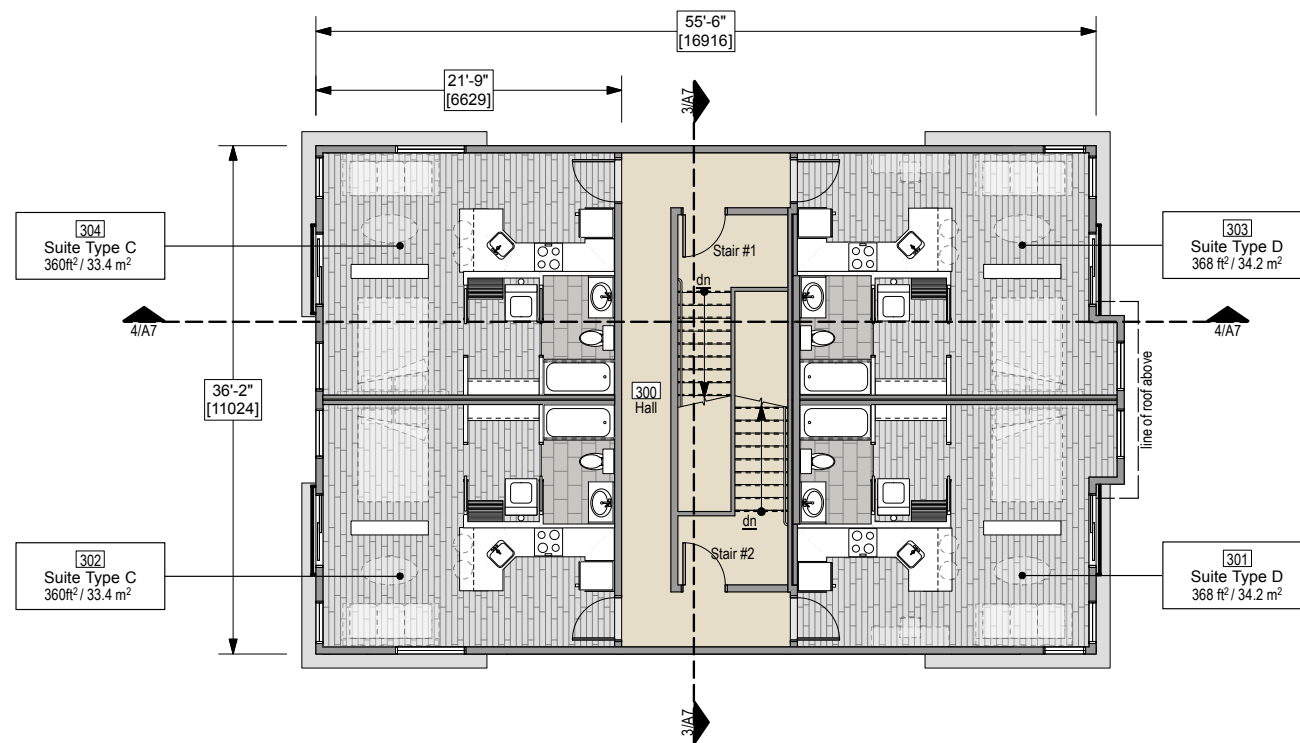
2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com



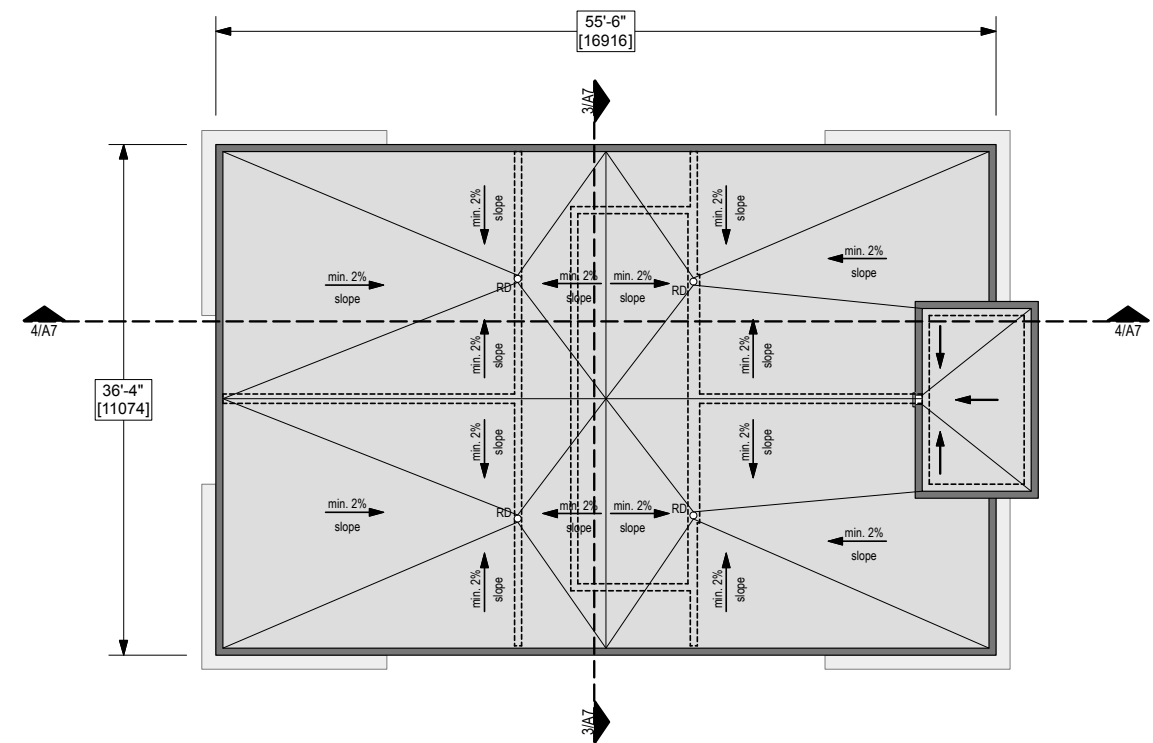
1 Main Floor Plan - Building B
Scale: 1:100
1674 ft² / 155.5 m²



2 Second Floor Plan - Building B
Scale: 1:100
2031 ft² / 188.7 m²



3 Third Floor Plan - Building B
Scale: 1:100
2031 ft² / 188.7 m²



4 Roof Plan - Building B
Scale: 1:100

2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A5 Joe Newell
architect inc.

Date: 2019.11.22 Rev A: 2020.02.25
Rev B: 2020.04.20 Rev C: 2020.06.15
Rev D: 2020.07.03 Rev E: 2020.09.11
Rev F: 2020.10.20 Rev G: 2020.12.17

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com



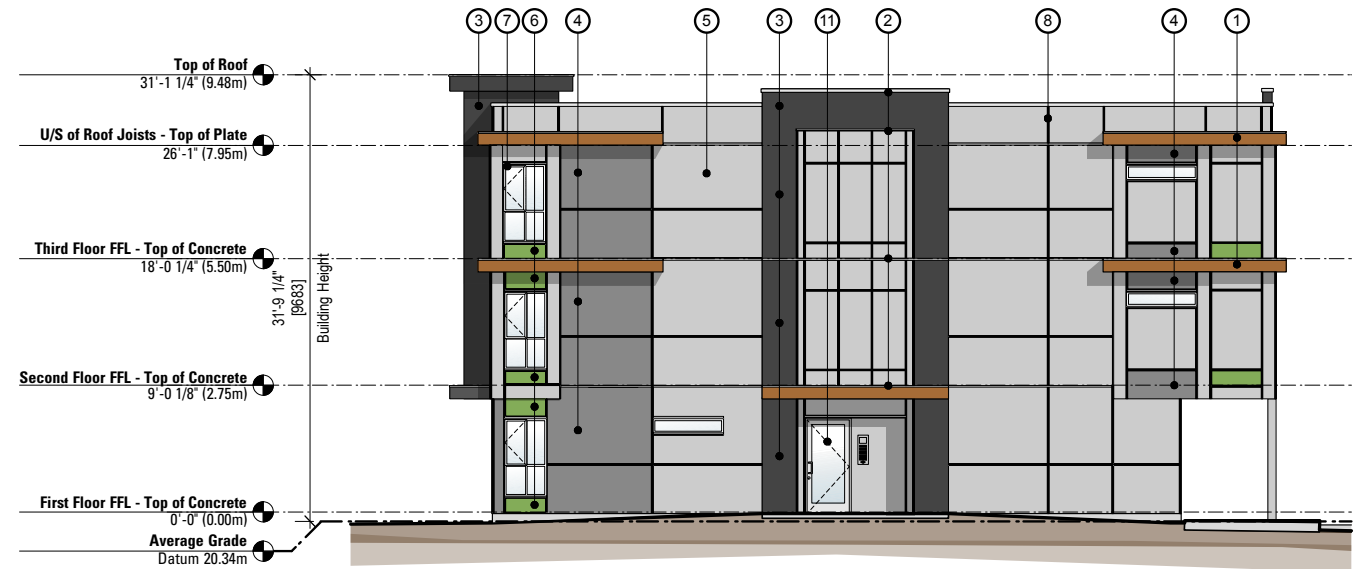
1 East Elevation (Richmond RD) - Building B
Scale: 1:100



2 South Elevation - Building B
Scale: 1:100



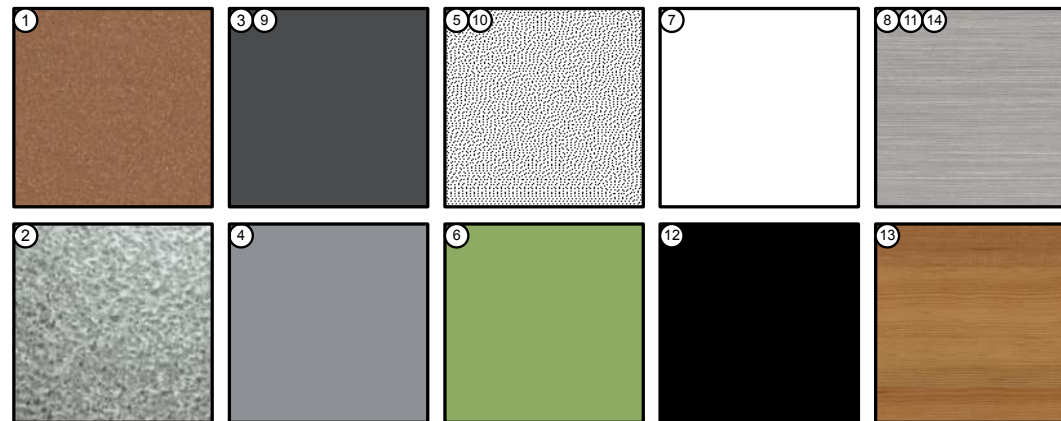
3 West Elevation - Building B
Scale: 1:100



4 North Elevation - Building B
Scale: 1:100

Materials Key

1	Canopy Fascia	Pre-finished Sheet Metal	'Copper Penny'
2	Cross Cavity / Cap Flashing	Pre-finished Metal Flashing	'Galvalume'
3	Fibre Cement Siding	Smooth Panel	BM 2124-10 'Wrought Iron'
4	Fibre Cement Siding	Smooth Panel	BM 2124-30 'Deep Silver'
5	Fibre Cement Siding	Smooth Panel	BM OC-52 'Gray Owl'
6	Fibre Cement Siding	Smooth Panel	BM 427 'Napa Vineyard'
7	Windows	Vinyl Window Frames	White
8	Reveals	Prefinished Alum. Reveals	Clear Anodized
9	Exterior Suite Doors	Fiberglass - Painted	BM 2124-10 'Wrought Iron'
10	Exterior Service Doors	Aluminum - Painted	BM OC-52 'Gray Owl'
11	Exterior Entrance Doors	Aluminum Storefront	Anodized Aluminum
12	Deck Railing / Fence Panels	Pre-Finished Aluminium	'Black'
13	Trellis / Fencing / Posts	Cedar	'Natural' Semi-Transparent Stain
14	Soffits	Pre-finished Perforated Aluminum	Clear Anodized



2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

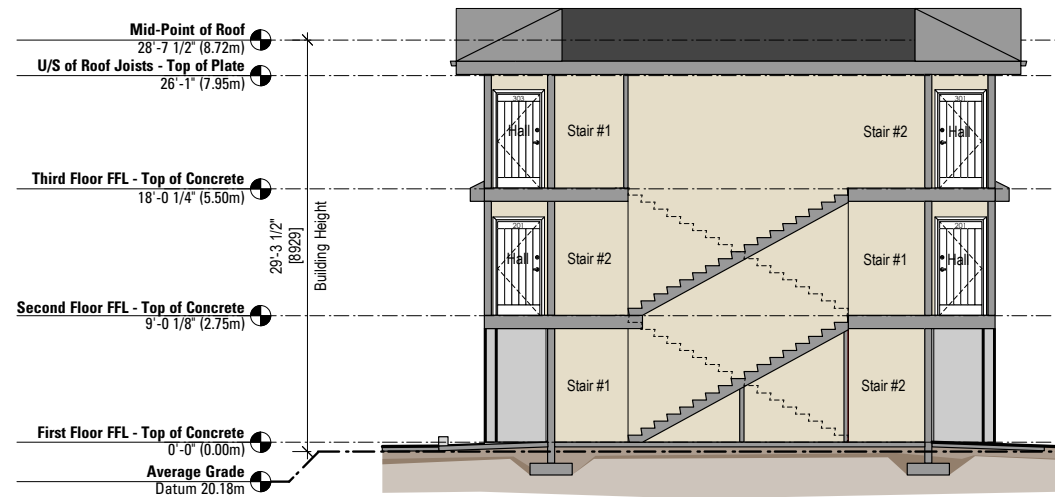
11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A6

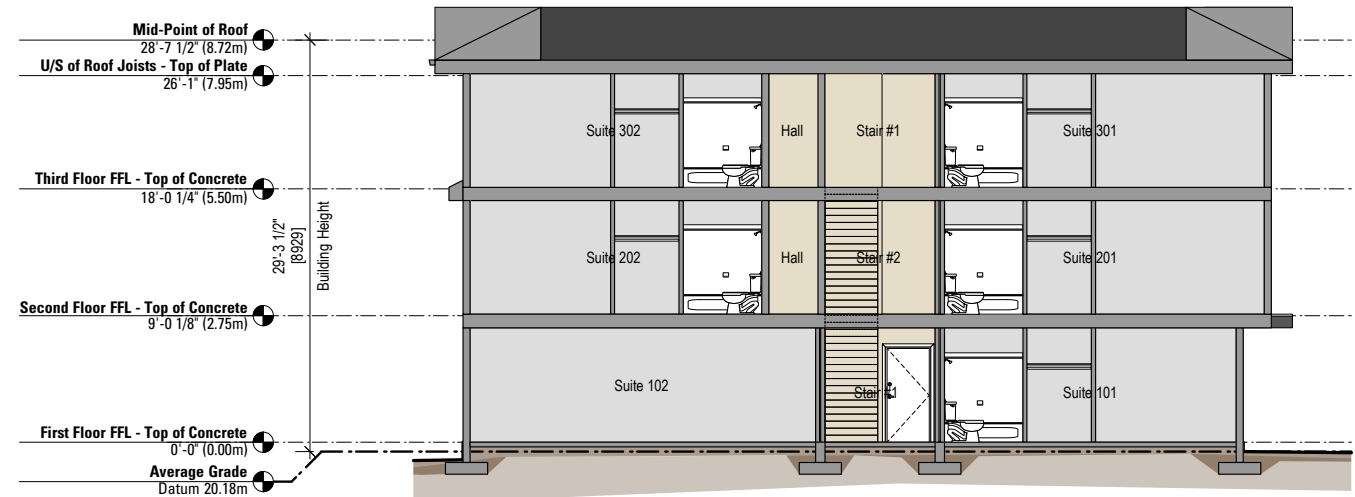
Joe Newell
architect inc.

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com

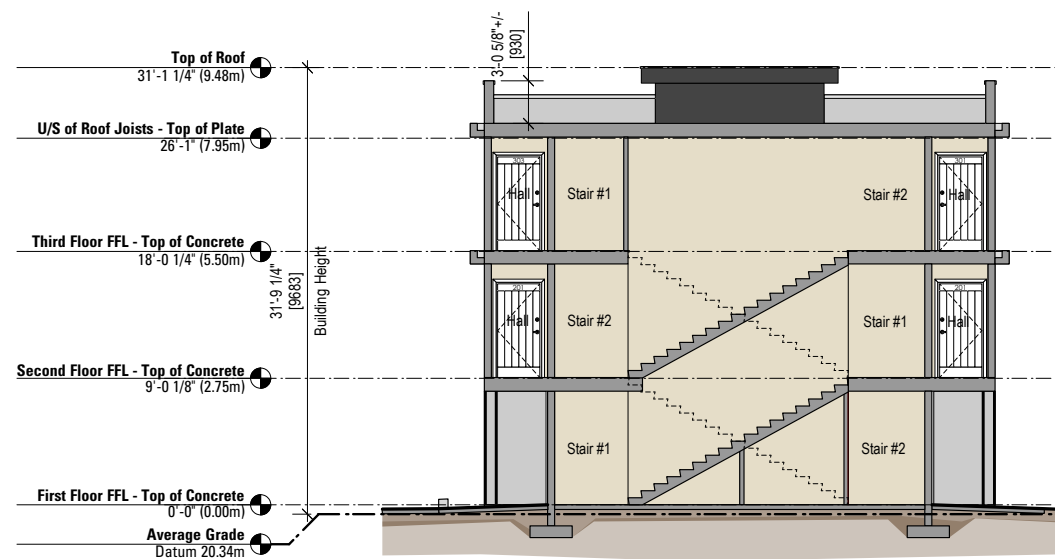
Date: 2019.11.22
RevA: 2020.02.25
RevB: 2020.04.20
RevC: 2020.06.15
RevD: 2020.07.03
RevE: 2020.09.11
RevF: 2020.10.20
RevG: 2020.12.17



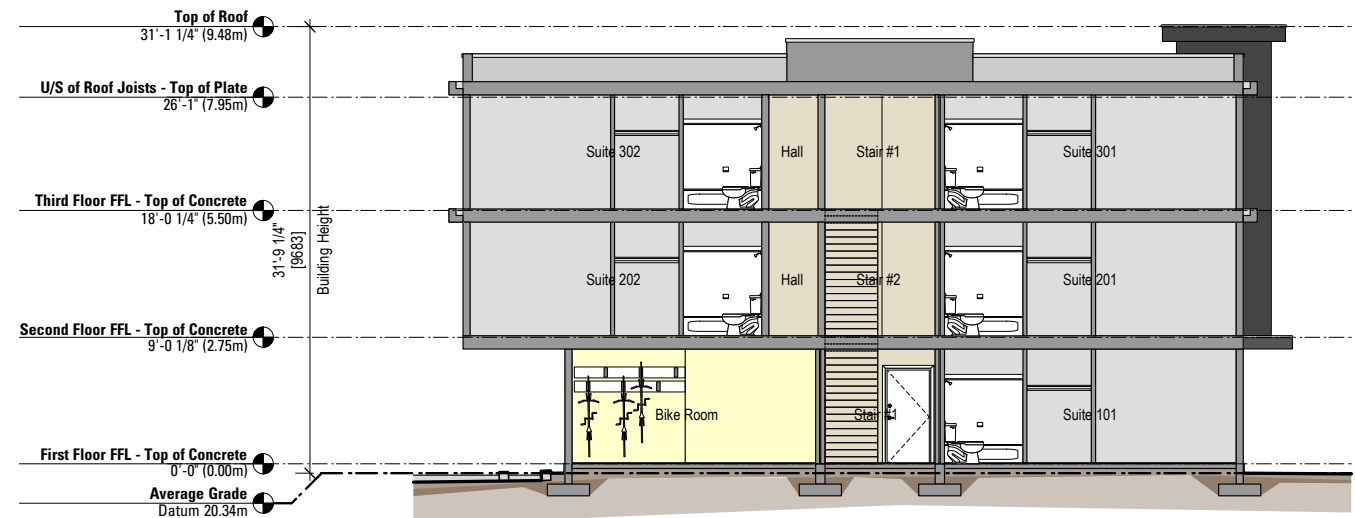
1 Section - Building A
Scale: 1:100



2 Section - Building A
Scale: 1:100



3 Section - Building B
Scale: 1:100



4 Section - Building B
Scale: 1:100

2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

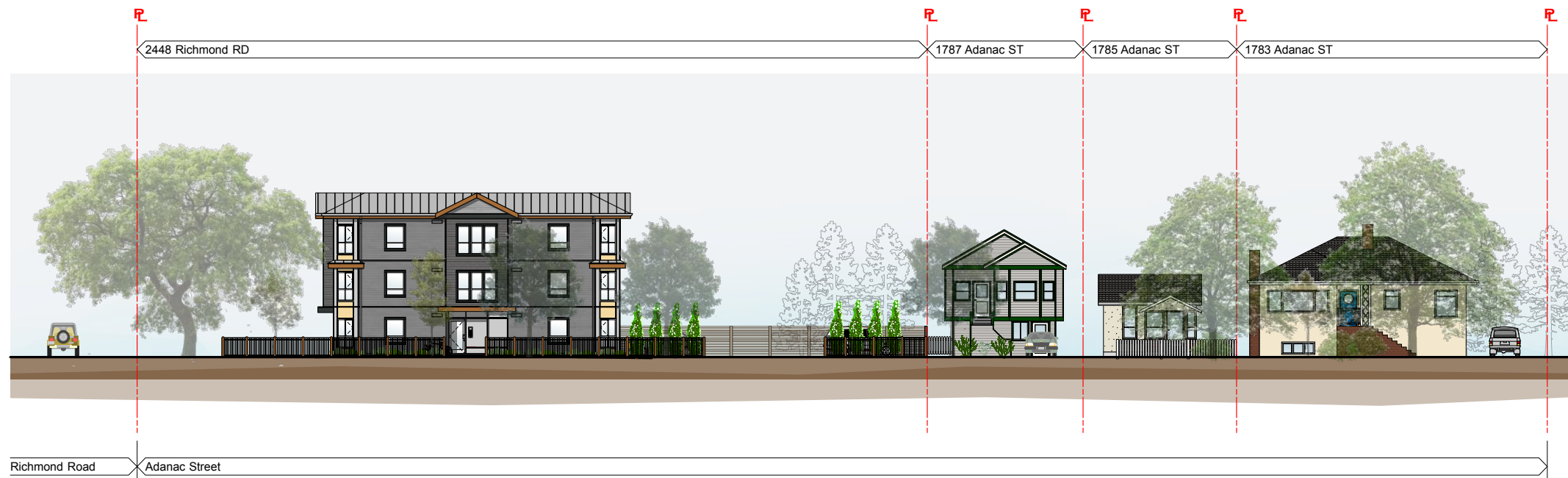
11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

A7

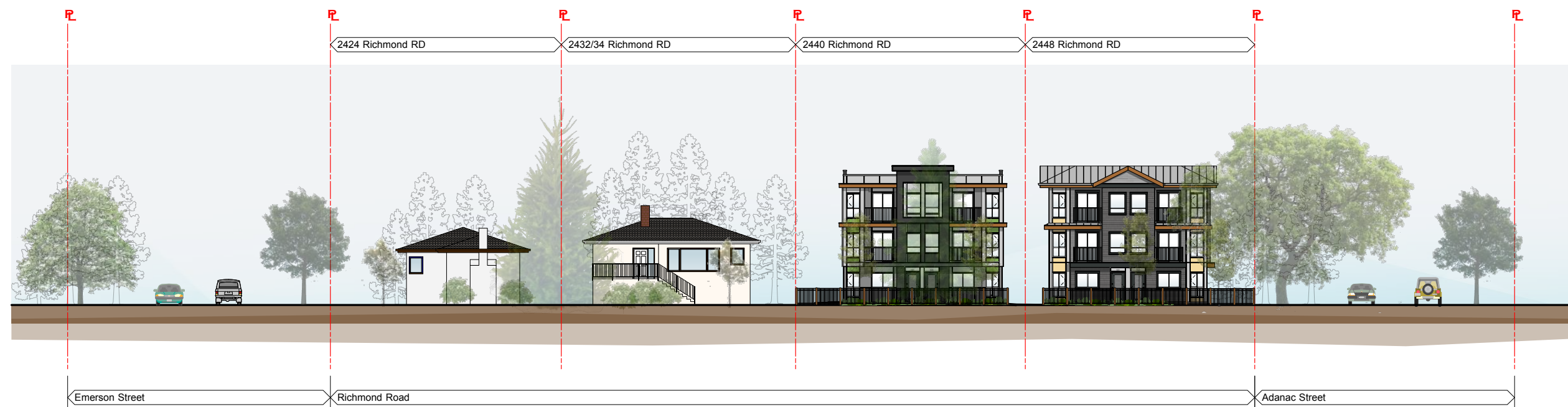
Joe Newell
architect inc.

Date: 2019.11.22
RevA: 2020.02.25
RevB: 2020.04.20
RevC: 2020.06.15
RevD: 2020.07.03
RevE: 2020.09.11
RevF: 2020.10.20
RevG: 2020.12.17

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com



1 Street Elevation - Adanac Street
Scale: 1:200



2 Street Elevation - Richmond Road
Scale: 1:200

2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

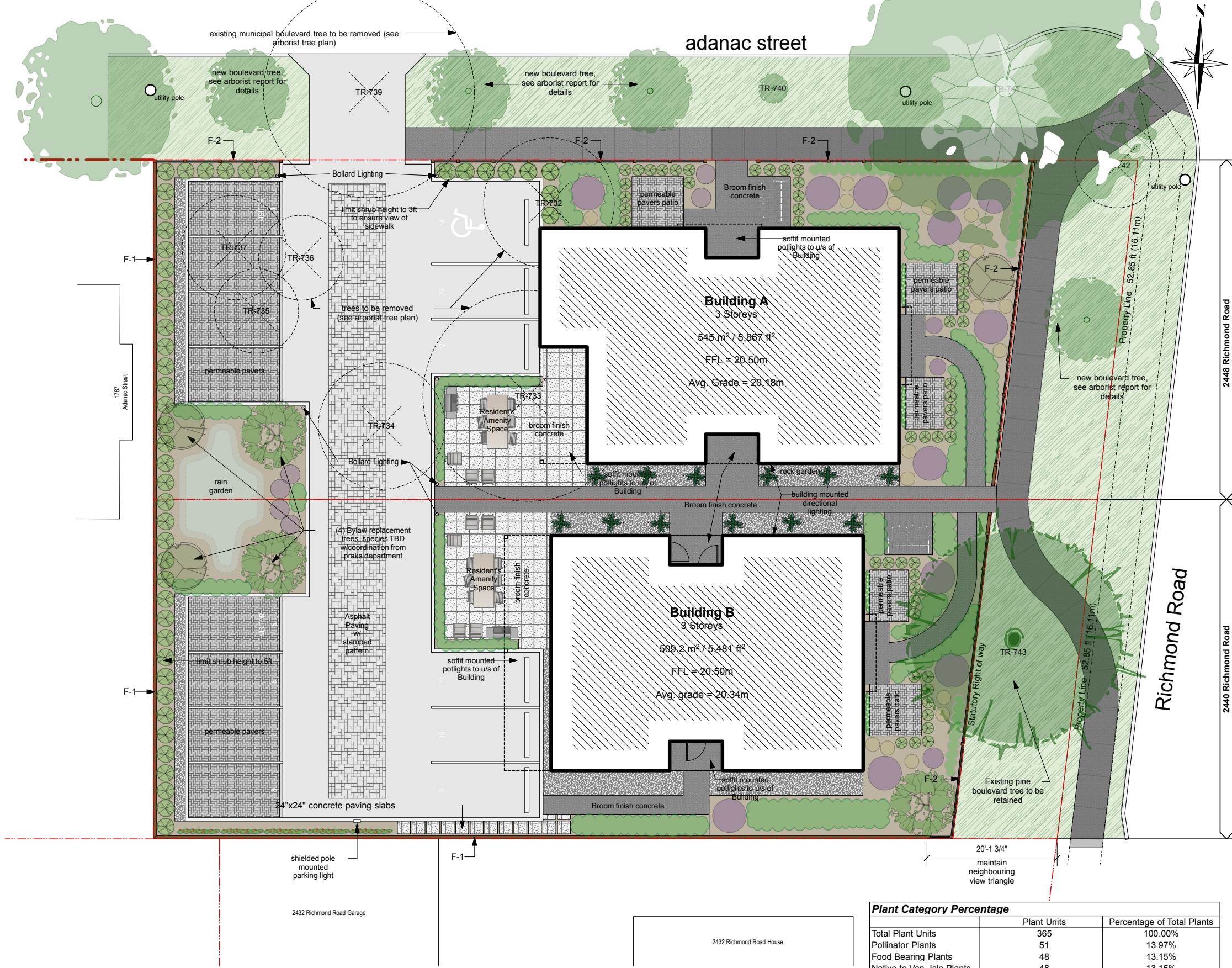
11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

Date: 2019.11.22
Rev A: 2020.02.25
Rev B: 2020.04.20
Rev C: 2020.06.15
Rev D: 2020.07.03
Rev E: 2020.09.11
Rev F: 2020.10.20
Rev G: 2020.12.17

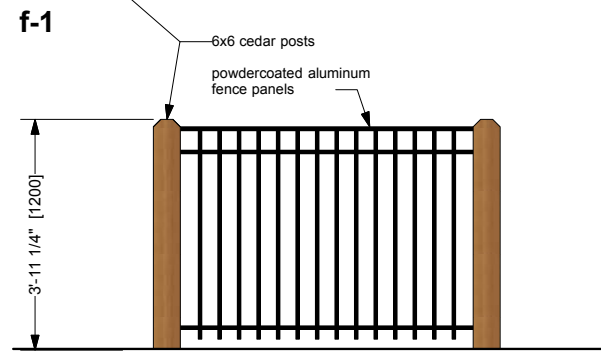
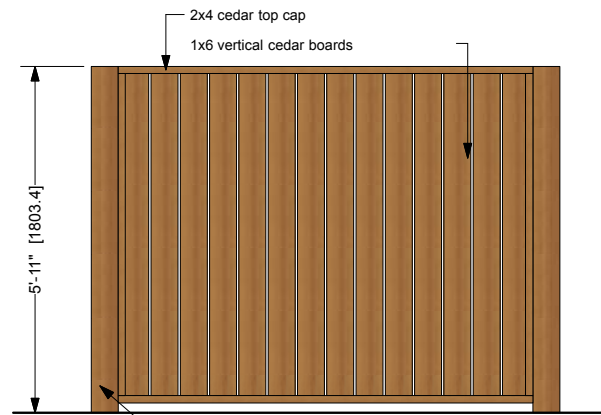
A8

Joe Newell
architect inc.

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com



Landscape Concept Plan
Scale: 1:120



f-2
fence types
Scale: 1:120

- Notes:**
- All planting to conform to current BC Landscape Standards.
 - Planting beds to be topdressed with min 50mm bark mulch.
 - All Planting beds and lawn areas to be irrigated with a Fully automatic irrigation system that conforms to IABC Standards.
 - Min. 30% of soft landscaping is native, food bearing, and/or pollinator habitat

Planting List

Symbol	LATIN Name	Common Name	Size	QTY.	P	FB	N	NN
	Thuja Occidentalis	Emerald Cedar	#3 Pot.	100				●
	Buxus Sempervirens	Common Boxwood	#2 Pot.	110				●
	Cornus Nuttallii	Pacific Dogwood	#5 Pot	3	●		●	
	Clematis armandii	evergreen clematis	#2 Pot	20	●			
	rhododendron	rhododendron pjn	#2 Pot	21	●			
	ACER rubrum	'bowhall' red maple	#5 Pot	3				●
	arctostaphylos uva-ursi	kinnikinnick	#2 Pot	18		●	●	
	Mahonia nervosa	Oregon grape	#2 Pot	18		●	●	
	BC90423 (Rudi)	raspberry	#2 Pot	30	●	●	●	
	Carax obnupta	Slough Sedge	#1 Pot	9			●	
	iris tenax	OREGON IRIS	#1 Pot.	7	●			●
	Juncus effusus (pacificus)	soft Common rush	sp3.	9			●	
	deschampia cespitosa	tufted hair grass	#1 pot	5				●
	polystichum munitum	western sword fern	#1 pot	12			●	

Plant Category Percentage		
	Plant Units	Percentage of Total Plants
Total Plant Units	365	100.00%
Pollinator Plants	51	13.97%
Food Bearing Plants	48	13.15%
Native to Van. Isle Plants	48	13.15%
Non Native Plants	218	59.73%

Total of Pollinator, Food Bearing and Native Plants = 40.27%

2440 RICHMOND RD
& 2448 VICTORIA, BC

PROPOSED RESIDENTIAL DEVELOPMENT

11 RESIDENTIAL SUITES PER BUILDING / 2 BUILDINGS

Date: 2019.11.22 Rev A: 2020.02.25 Rev B: 2020.04.20 Rev C: 2020.06.15 Rev D: 2020.07.03 Rev E: 2020.09.11 Rev F: 2020.10.20 Rev G: 2020.12.17

A9
Joe Newell
architect inc.

2-101 Presley Pl, Victoria, BC, V9B 0S4
T (250) 382-4240 F (250) 382-5733
www.joewellarchitect.com

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-100 Zone, Richmond Road Multiple Dwelling District, and to rezone land known as 2440 and 2448 Richmond Road, from the R1-B Zone, Single Family Dwelling District to the R-100 Zone, Richmond Road Multiple Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1248)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – Multiple Dwelling Zones by adding the following words:

“3.134 R-100, Richmond Road Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.133 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 2440 and 2448 Richmond Road, legally described as PID: 009-129-073, Lot 47, Section 25, Victoria District, Plan 339, and PID: 009-129-120, Lot 46, Section 25, Victoria District, Plan 339 and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R-100 Zone, Richmond Road Multiple Dwelling District.
- 5 The Zoning Regulation Bylaw is amended by adding to Schedule N – Residential Rental Tenure Properties the land known as 2440 and 2448 Richmond Road, legally described as PID: 009-129-073, Lot 47, Section 25, Victoria District, Plan 339, and PID: 009-129-120, Lot 46, Section 25, Victoria District, Plan 339.

READ A FIRST TIME the	day of	2021
-----------------------	--------	------

READ A SECOND TIME the	day of	2021
------------------------	--------	------

Public hearing held on the	day of	2021
----------------------------	--------	------

READ A THIRD TIME the	day of	2021
-----------------------	--------	------

ADOPTED on the	day of	2021
----------------	--------	------

CITY CLERK

MAYOR

PART 3.134 – R-100 ZONE, RICHMOND ROAD MULTIPLE DWELLING DISTRICT

3.134.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Two family dwelling, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Attached dwelling and semi-attached dwelling, subject to the regulations set out in Part 2.138 of the Zoning Regulation Bylaw
- c. Multiple dwelling, subject to the regulations set out in this Part
- d. Accessory Buildings subject to the regulations in Schedule "F"

3.134.2 Lot Area

- a. Lot area (minimum) 690.0m²
- b. Lot width (minimum average) 15.0m

3.134.3 Floor Area, Floor Space Ratio

- a. Total floor area (maximum) 547m²
- b. Floor space ratio (maximum) 0.78:1

3.134.4 Height, Storeys

- a. Principal building height (maximum) 9.7m
- b. Storeys (maximum) 3
- c. Roof deck Not permitted

3.134.5 Setbacks, Projections

- a. Front yard setback (minimum) 6.0m
- b. Rear yard setback (minimum) 16.00m
- c. Side yard setback from interior lot lines (minimum) 4.0m
- d. Side yard setback on a flanking street for a corner lot (minimum) 6.0m
- e. Notwithstanding section 27(1) of the General Regulations, the setback requirements in this zone shall be interpreted as though the street line or street frontage is Richmond Road.

PART 3.134 – R-100 ZONE, RICHMOND ROAD MULTIPLE DWELLING DISTRICT

3.134.6 Site Coverage, Open Site Space

- | | |
|-------------------------------------|--------|
| a. <u>Site Coverage</u> (maximum) | 50.00% |
| b. <u>Open site space</u> (minimum) | 30.00% |

3.134.7 Vehicle and Bicycle Parking

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |

[NOTE: Property located in this zone is subject to residential rental tenure – see Section 45 of the General Regulations and Schedule N.]

HAULTAIN ST

ADANAC ST

EMERSON ST

RICHMOND RD

R1-B

R2-57

C1-RLC

C1-RJ

46
339

47
339

48
339

49
339

50
339

51
339

52
339

53
339

54
339

55
339

56
339

57
339

58
339

59
339

60
339

61
339

62
339

63
339

64
339

65
339

66
339

67
339

68
339

69
339

70
339

71
339

72
339

73
339

74
339

75
339

76
339

77
339

78
339

79
339

80
339

81
339

82
339

83
339

84
339

85
339

86
339

87
339

88
339

89
339

90
339

91
339

92
339

93
339

94
339

95
339

96
339

97
339

98
339

99
339

100
339

101
339

102
339

103
339

104
339

105
339

106
339

107
339

108
339

109
339

110
339

111
339

112
339

113
339

114
339

115
339

116
339

117
339

118
339

119
339

120
339

121
339

122
339

123
339

124
339

125
339

126
339

127
339

128
339

129
339

130
339

131
339

132
339

133
339

134
339

135
339

136
339

137
339

138
339

139
339

140
339

141
339

142
339

143
339

144
339

145
339

146
339

147
339

148
339

149
339

150
339

151
339

152
339

153
339

154
339

155
339

156
339

157
339

158
339

159
339

160
339

161
339

162
339

163
339

164
339

165
339

166
339

167
339

168
339

169
339

170
339

171
339

172
339

173
339

174
339

175
339

176
339

177
339

178
339

179
339

180
339

181
339

182
339

183
339

184
339

185
339

186
339

187
339

188
339

189
339

190
339

191
339

192
339

193
339

194
339

195
339

196
339

197
339

198
339

199
339

200
339

201
339

202
339

203
339

204
339

205
339

206
339

207
339

208
339

209
339

210
339

211
339

212
339

213
339

214
339

215
339

216
339

217
339

218
339

219
339

220
339

221
339

222
339

223
339

224
339

225
339

226
339

227
339

228
339

229
339

230
339

231
339

232
339

233
339

234
339

235
339

236
339

237
339

238
339

239
339

240
339

241
339

242
339

243
339

244
339

245
339

246
339

247
339

248
339

249
339

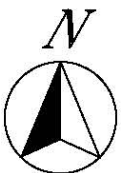
250
339

251
339

252
339

<

MUNICIPALITY OF SAANICH



**2440 and 2448 Richmond Road
Rezoning No.00722**



HOUSING AGREEMENT
(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

MICROSMART LIVING INC., INC.NO. BC1134549
C/O 1626 Garnet Road
Victoria, B.C. V8P 3C8

(the "Owner")

AND:

FIRST WEST CREDIT UNION
#14 250 Trunk Road
Duncan, BC V9L 2P2

(the "Existing Chargeholder")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 2440 and 2448 Richmond Ave., Victoria, B.C. and legally described as:

PID: 009-129-120
LOT 46, SECTION 25, VICTORIA DISTRICT, PLAN 339

PID: 009-129-073
LOT 47, SECTION 25, VICTORIA DISTRICT, PLAN 339

(collectively, the "Lands").
- D. The Owner has applied to the City to rezone the Lands to permit 22 housing units within the Development in accordance with this Agreement.

{00014619:5}

- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"Business Day" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"Development" means the two new 11 unit buildings consisting of residential housing and related facilities on each of the parcels comprising the Lands;

"Dwelling Units" means any or all, as the context may require, of the 22 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and **"Dwelling Unit"** means any of such residential dwelling units located on the Lands;

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"Non-owner" means a person other than a Related Person or the Owner;

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

{00014619:5}

6.0 LIABILITY

- 6.1 The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

7.0 PRIORITY AGREEMENT

- 7.1 The Existing Chargeholder, as the registered holder of a charge by way of a first mortgage and second mortgage against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA7838562 and CA7838563 respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

8.0 GENERAL PROVISIONS

- 8.1 **NOTICE.** If sent as follows, notice under this Agreement is considered to be received:
- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
 - (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
 - (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: khoese@victoria.ca

{00014619:5}

and in the case of the Owner, addressed to:

c/o 1626 Garnet Road
Victoria, BC V8P 3C8

Attention: Cam Pringle
Email: cadillachomes@shaw.ca

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

8.2 TIME. Time is of the essence of this Agreement.

8.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

8.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

8.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

8.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

8.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

{00014619:5}

- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

{00014619:5}

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

Karen Hoese, Director of Sustainable
Planning and Community Development)

Date signed: _____)

MICROSMART LIVING INC.)
by its authorized signatory(ies):)



Print Name: Cam Pringle)

Print Name: _____)

Date signed: March 25, 2021)

FIRST WEST CREDIT UNION)
by its authorized signatory(ies):)

Print Name: _____)

Print Name: _____)

Date signed: _____)

{00014619-S}


IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

Karen Hoese, Director of Sustainable
Planning and Community Development)

Date signed: _____)

MICROSMART LIVING INC.)
by its authorized signatory(ies):)

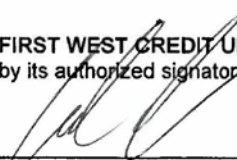


Print Name: Cam Pringle)

Print Name: _____)

Date signed: March 25, 2021)

FIRST WEST CREDIT UNION)
by its authorized signatory(ies):)



Print Name: CARSTEN MILDENSTEIN)

Print Name: _____)

Date signed: March 21, 2021)



Council Report

For the Meeting of June 10, 2021

To: Council **Date:** May 27, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Update on Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 for 2740 & 2742 Fifth Street**

RECOMMENDATION

Rezoning Application No. 00709

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-058 (Amendment No. 1216) and give first, second and third reading of Housing Agreement (2740 and 2742 Fifth Street) Bylaw No. 21-059.

Development Variance Permit Application No. 00236

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 and 2742 Fifth Street, in accordance with:

- a. Plans date stamped **May 4, 2020**.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the rear yard setback from 3.0m to 1.20m.
- c. The Development Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Variance Permit Applications for the property located at 2740 and 2742 Fifth Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to the R2-38 Zone, Fifth Duplex District to retain the existing two-family dwelling and construct a new single-family dwelling in the rear yard. The proposed variance is to reduce the rear yard setback. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 000709

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00709 for 2740 & 2742 Fifth Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- a. Preparation and execution of legal agreements secure the design of the existing and proposed buildings including the energy efficiency certifications, to the satisfaction of City Staff.*
- b. Preparation and execution of a Housing Agreement to secure the proposed dwelling as rental for five years.*
- c. Subject to refinements being made to the proposal with respect to the length of rental tenure and the passive house standard of the new building.*

Development Variance Permit Application No. 00236

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 & 2742 Fifth Street, in accordance with:

- d. Plans date stamped October 10, 2019.*
- e. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:*
 - ii. reduce the rear yard setback from 3.0m to 1.20m.*
- f. The Development Permit lapsing two years from the date of this resolution.”*

COMMENTS

In response to the Council motion of December 12, 2019, the applicant has revised the application with respect to the passive house standard of the new building and the length of rental tenure, as described below.

Energy Efficiency

The applicant revised the energy efficiency of the proposed single-family dwelling from Built Green certification to Passive House Institute Low Energy Building certification. A design covenant has been registered to secure the new building to be designed and constructed as a Passive House Institute Low Energy Building and Solar Electric Ready. The existing duplex building is already Passive House Certified.

Revised plans have been provided by the applicant to incorporate the new low energy aspects. As such, the Development Variance Permit motion has a new date noted in bold in the recommendation.

Housing Agreement

The applicant originally proposed to secure the new dwelling as rental for five years. However, in response to Council's request that the applicant consider a longer rental term be secured, a

Housing Agreement has been executed which would secure the proposed dwelling as rental for ten years.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Revised plans dated May 4, 2020
- Attachment B: Letter to Mayor & Council from the applicant received May 19, 2021.



1 Building Street Frontage

2 Proposed Street Frontage
Scale: 1/4" = 1'-0"

2742 QUADRA - 4 STOREY FLAT
ROOF
26.80 M

2740 FIFTH PEAK 22.64 M
2740 FIFTH EAVE 22.41 M
2744 PEAK - PROPOSED 21.72 M
2744 EAVE - PROPOSED 21.06 M

2750 FIFTH PEAK
21.90 M

2744 UPPER FLOOR - PROPOSED
18.29 M

2740 FIFTH AVERAGE GRADE
2744 MAIN FLOOR - PROPOSED
15.18 M
2744 AVERAGE GRADE - EXISTING
14.64 M

Public Hearing Submission	Issue Notes
Public Hearing - Client Review 2	
Public Hearing - Client Review	
Rezoning Revised Submission	
Rezoning Submission	
CALUC Plans for Client Review	

No.	Date
F	20-4-1
E	20-3-14
D	20-1-20
C	19-9-22
B	19-7-11
A	18-11-21

Client Name	Blake & Cassidy
Client Address	2740 Fifth ST
Drawn By	CD
Project ID	
Revision	
Date	2020.04.01

AEA
ADAPT ENERGY ADVISING
2740 FIFTH ST VICTORIA, BC V8T 4B2
info@adaptenergyadvising.com
adaptenergyadvising.com

2744 Fifth Street Rezoning	Street Elevations
-------------------------------	-------------------

Scale: As Noted

Sheet No.
A 1.1
of
A1.8

A

A



1 Proposed Street Frontage
Scale: 1/4" = 1'-0"

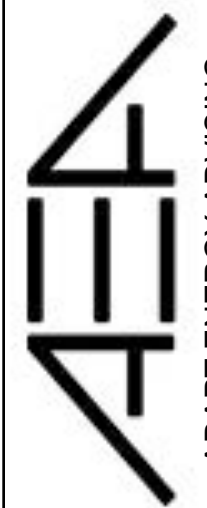
B

B



2 Proposed North Elevation
Scale: 1/4" = 1'-0"

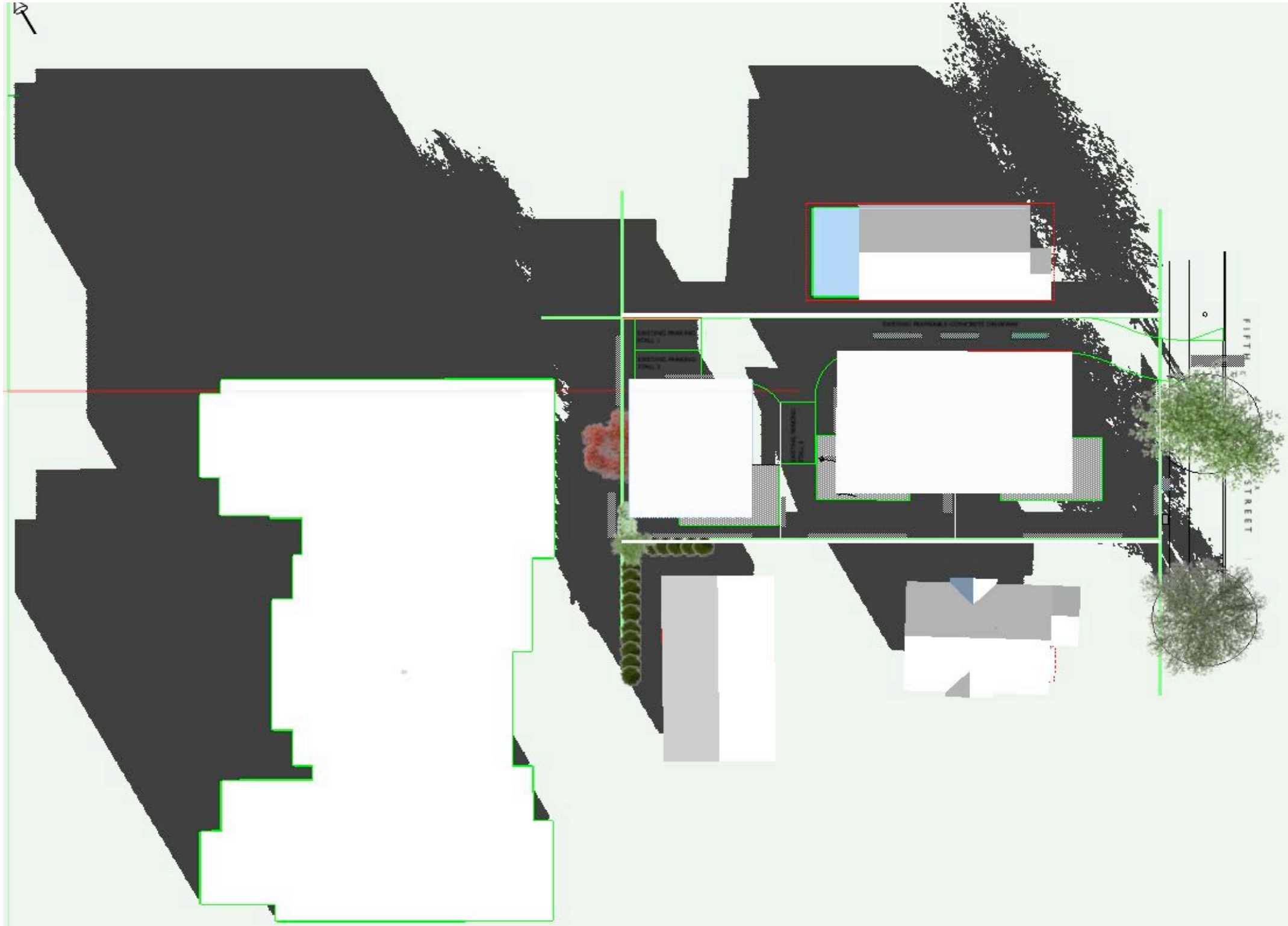


Public Hearing Submission		Public Hearing - Client Review 2		Public Hearing - Client Review		Public Hearing Revised Submission		Rezoning Submission		CALUC Plans for Client Review		Issue Notes	
20-4-1	20-3-14	20-1-20	19-9-22	19-7-11	18-11-21								
F	E	D	C	B	A	No.	Date						
Client Name: Blake & Cassidy		Client Address: 2740 Fifth ST		Drawn By: CD		Project ID:		Revision:		Date: 2020.04.01			
													
ADAPT ENERGY ADVISING													
2740 FIFTH ST VICTORIA, BC V8T 4B2													
info@adaptenergyadvising.com													
adaptenergyadvising.com													
2744 Fifth Street Rezoning						Street Elevations							
Scale: As Noted													
Sheet No. A 1.2													
of													
A1.8													

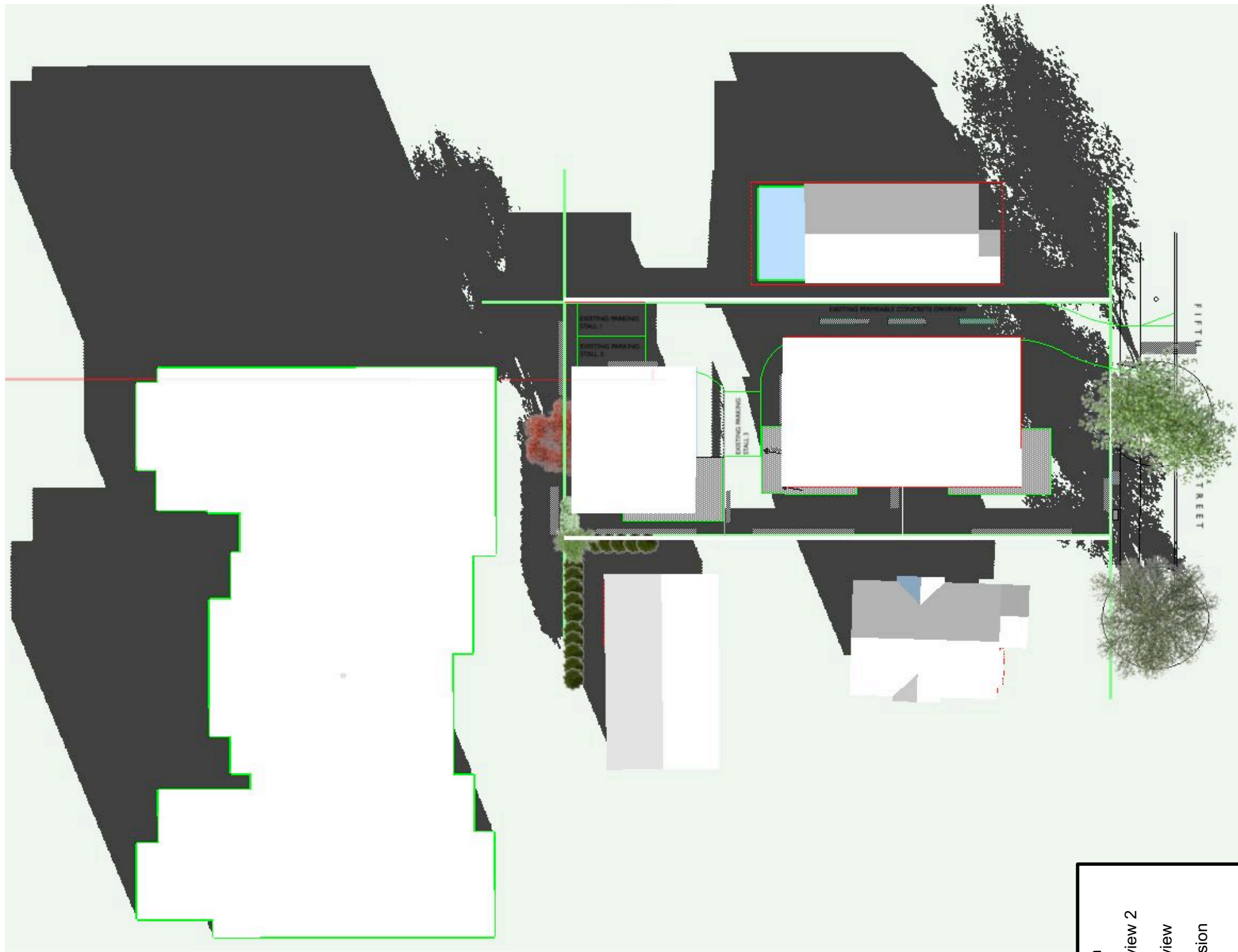
A



June 21 - 10 am



February 21 - 10 am



October 21 - 10 am

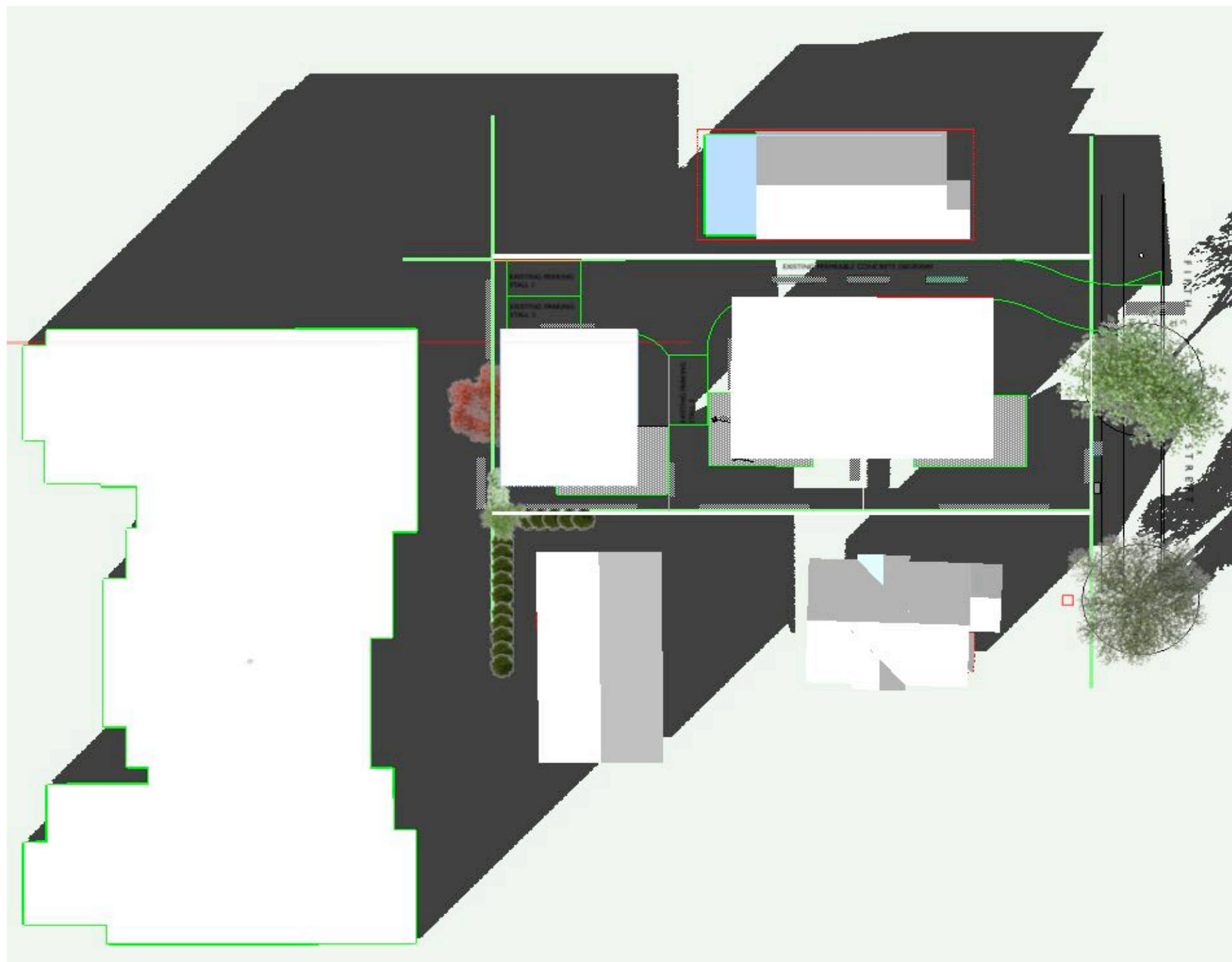
B



June 21 - 2 pm

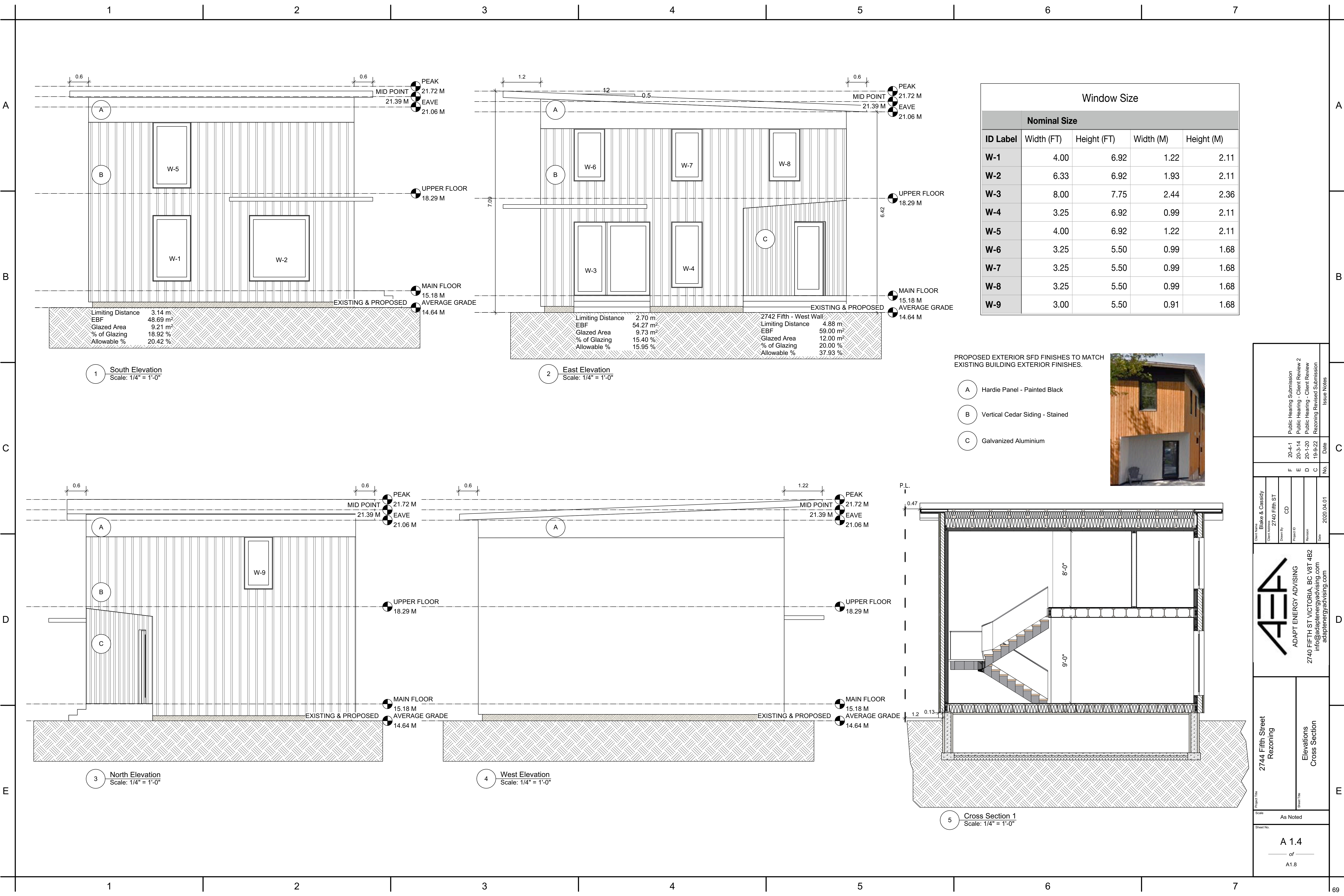


February 21 - 2 pm



October 21 - 2 pm

Project Title		2744 Fifth Street Rezoning		Shadow Analysis	
Scale		N.T.S.		A 1.3 of A1.8	
Sheet No.		A 1.3		68	
Client Name		Blake & Cassidy		Public Hearing Submission	
Client Address		2740 Fifth ST		Public Hearing - Client Review 2	
Drawn By		CD		Public Hearing - Client Review	
Project ID		20-4-1		Rezoning Revised Submission	
Revision		E		Rezoning Submission	
Date		2020.04.01		CALUC Plans for Client Review	
No.		A		Issue Notes	
Date		18-11-21			
No.		B			
Date		19-9-22			
No.		C			
Date		20-1-20			
No.		D			
Date		20-3-14			
No.		F			



Window Size				
Nominal Size				
ID Label	Width (FT)	Height (FT)	Width (M)	Height (M)
W-1	4.00	6.92	1.22	2.11
W-2	6.33	6.92	1.93	2.11
W-3	8.00	7.75	2.44	2.36
W-4	3.25	6.92	0.99	2.11
W-5	4.00	6.92	1.22	2.11
W-6	3.25	5.50	0.99	1.68
W-7	3.25	5.50	0.99	1.68
W-8	3.25	5.50	0.99	1.68
W-9	3.00	5.50	0.91	1.68

PROPOSED EXTERIOR SFD FINISHES TO MATCH EXISTING BUILDING EXTERIOR FINISHES.

- A Hardie Panel - Painted Black
- B Vertical Cedar Siding - Stained
- C Galvanized Aluminium



Client Name
Blake & Cassidy

Client Address
2740 Fifth ST

Drawn By
CD

Project ID
20-3-14

Revision
20-1-20

Date
19-9-22

20-4-1

20-3-14

20-1-20

19-9-22

Public Hearing - Submission

Public Hearing - Client Review 2

Public Hearing - Client Review

Rezoning Revised Submission

Date

No.

Issue Notes

2744 Fifth Street
Rezoning

Elevations
Cross Section

ADAPT ENERGY ADVISING

2740 FIFTH ST VICTORIA, BC V8T 4B2

info@adaptenergyadvising.com

adaptenergyadvising.com

Scale

As Noted

Sheet No.

A 1.4

of

A1.8

ALL WORK TO COMPLY WITH THE CURRENT EDITION OF THE BC BUILDING CODE

ALL FRAMING TO BE IN ACCORDANCE WITH THE CURRENT BC BUILDING CODE
ALL LUMBER TO BE SPF #2 OR BETTER UNLESS NOTED OTHERWISE
ALL EXTERIOR WALL AND ROOF SHEATHING TO BE 1/2" STANDARD FIR PLYWOOD UNLESS NOTED OTHERWISE
ALL EXPOSED EXTERIOR POSTS TO BE 8X8 MIN.
ALL LINTELS TO BE 2-PLY 2X10 U.N.O.

ALL CONCRETE TO BE MINIMUM 25 MPa AT 28 DAYS

EXTERIOR FOUNDATION WALL TO EXTEND MIN 150 mm ABOVE FINISHED GRADE.

ALL INTERIOR DOORS TO BE MINIMUM 6'8" TALL UNLESS NOTED OTHERWISE; PROVIDE MIN. 2-STUDS E/S AT JAM FRAMING

ALL EXPOSED EXTERIOR FRAMING TO BE PRESERVATIVE TREATED LUMBER; FIELD TREAT ALL CUTS

DESIGN LOADS: VICTORIA: Ss: 2.1 kPa Sr: 0.3kPa

ALL NEW WINDOWS TO MEET NAFS: DP: 1440 PG: 30 WATER RESIST.: 220

HANDRAILS TO COMPLY WITH BCBC DIV B 9.8.7.

GUARDRAILS TO COMPLY WITH BCBC DIV B 9.8.8.

AIR BARRIER TO BE OVERLAPPED, STRUCTURALLY SUPPORTED AND SEALED AT ALL JOINTS.

EFFECTIVE RSI MUST BE MAINTAINED BEHIND ELECTRICAL RECEPTACLES AND PIPING AS PER BCBC 9.36

SMOKE ALARMS TO BE INSTALLED IN EACH SLEEPING ROOM, EVERY STOREY AND THE AREA OUTSIDE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY. AS PER BCBC DIV B 9.10.19.3.
CO2 ALARMS TO BE INSTALLED IN EACH BEDROOM OR 5M OUTSIDE THE BEDROOM DOOR.

BEDROOM WINDOWS TO MEET BCBC DIV B 9.9.10.1. NO DIMENSION LESS THAN 380MM WITH AN AREA OF 0.35M2

ALL NEW FLASHINGS TO COMPLY TO BCBC DIV B 9.27.3.7. - 9.27.3.8.

BATHROOM EXHAUST TO COMPLY WITH 9.32.
VENTILATION TO COMPLY WITH BCBC 9.32.

ROOF SPACE VENT AREA SHALL BE NOT LESS THAN 1/150

SOLID RWL AND PERIMETER DRAIN TO BE CONNECTED TO NEW STORM DRAIN LATERAL

Window Size				
Nominal Size				
ID Label	Width (FT)	Height (FT)	Width (M)	Height (M)
W-1	4.00	6.92	1.22	2.11
W-2	6.33	6.92	1.93	2.11
W-3	8.00	7.75	2.44	2.36
W-4	3.25	6.92	0.99	2.11
W-5	4.00	6.92	1.22	2.11
W-6	3.25	5.50	0.99	1.68
W-7	3.25	5.50	0.99	1.68
W-8	3.25	5.50	0.99	1.68
W-9	3.00	5.50	0.91	1.68

Floor Areas		
		Proposed (metric)
Total Floor Area	2744 Fifth	138.01
	Proposed Main	66.38
	Proposed Upper	71.63
Total Floor Area	Proposed Basement	N/A
	2742 Fifth	142.32
	Existing Main	68.33
Total Floor Area	Existing Upper	73.99
	Existing Basement	N/A
	2740 Fifth	138.59
	Existing Main	66.60
	Existing Upper	71.99
	Existing Basement	N/A

Client Name
Blake & Cassidy

Client Address
2740 Fifth ST

Drawn By
CD

Project ID
Nelson

Date
2020.04.01

Public Hearing Submission
Public Hearing - Client Review 2
Public Hearing - Client Review
Rezoning Revised Submission
Rezoning Submission

20-4-1
20-3-14
20-1-20
19-9-22
19-7-11
18-11-21

F
E
D
C
B
A

No.
Date

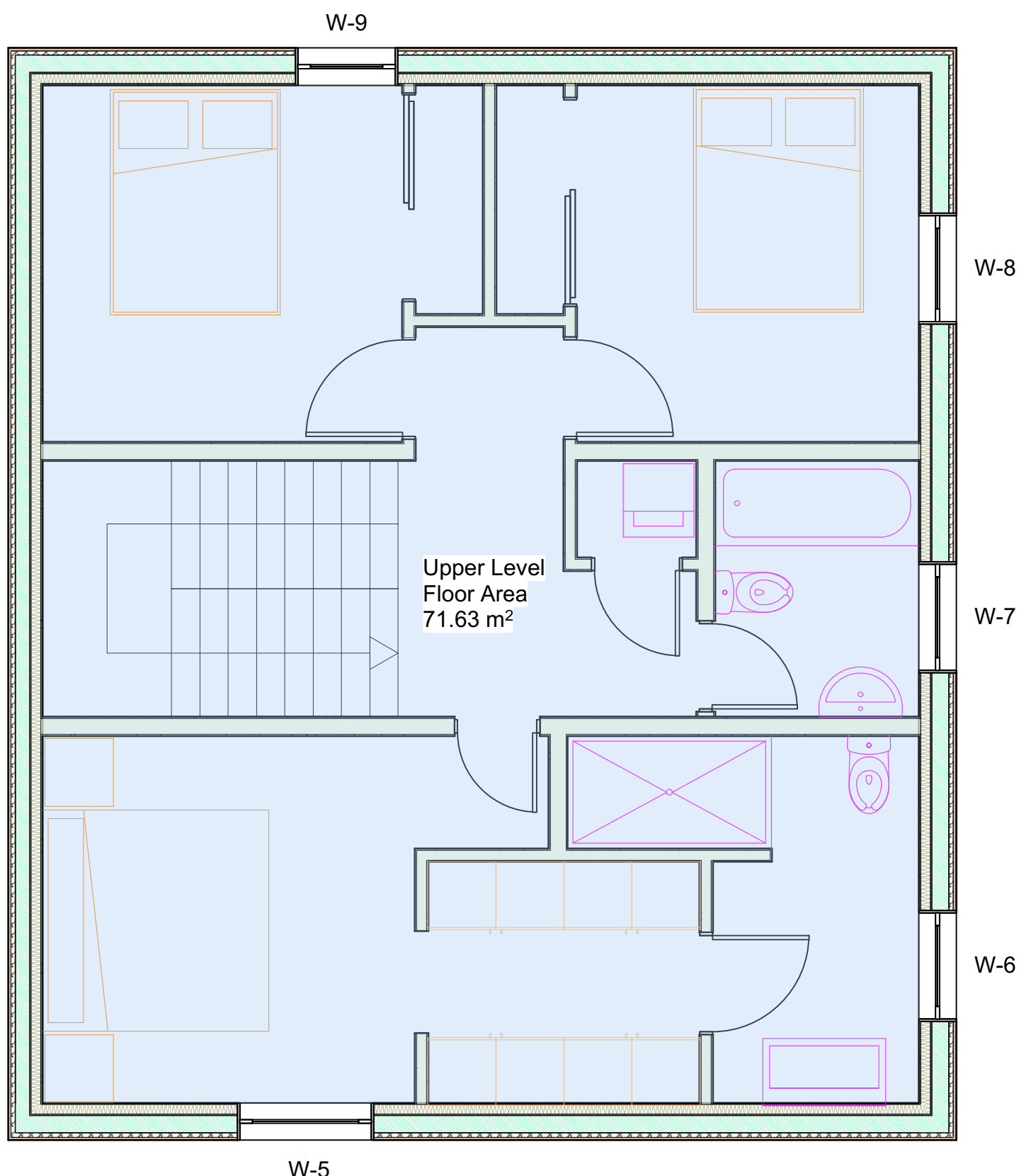
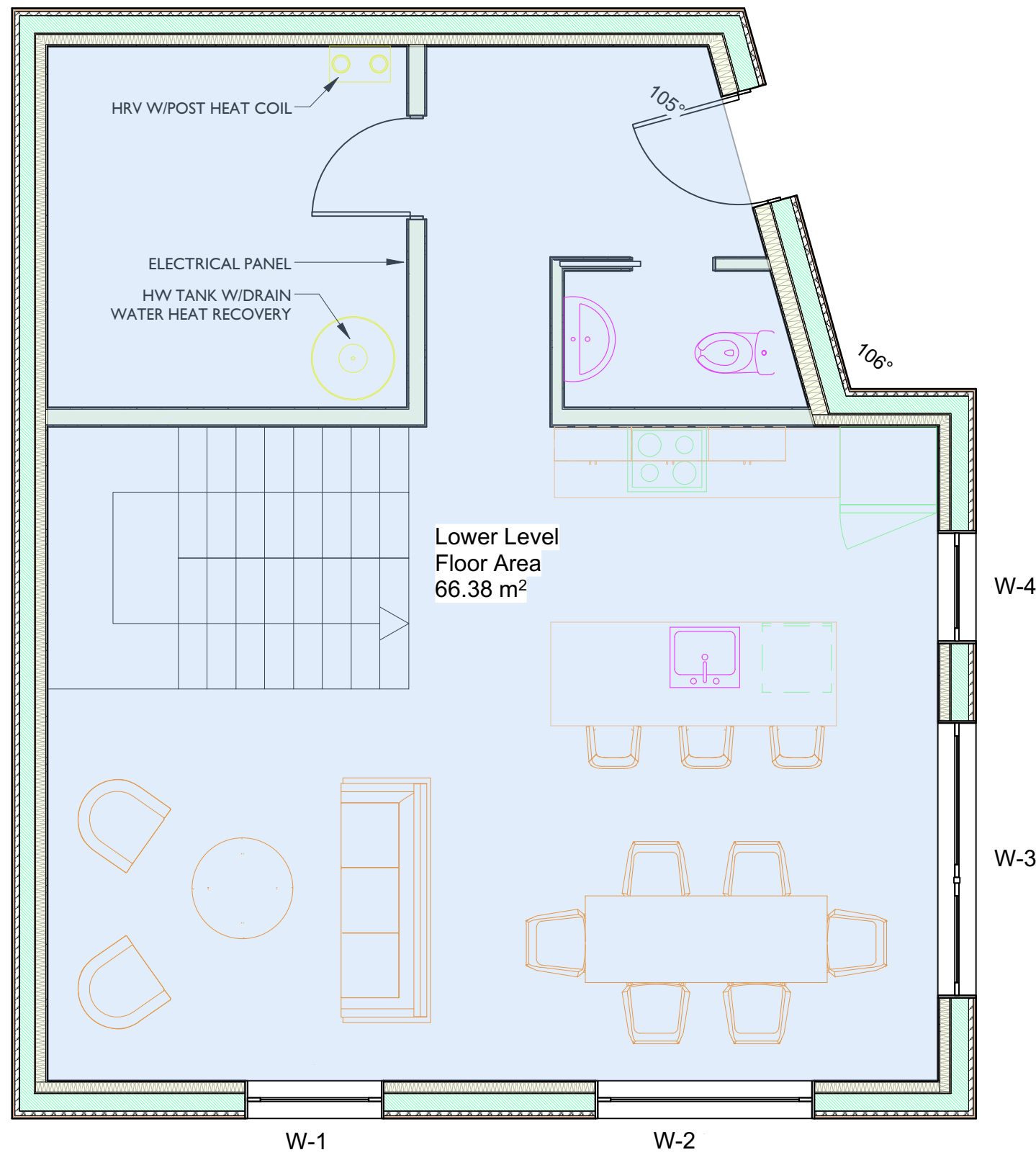
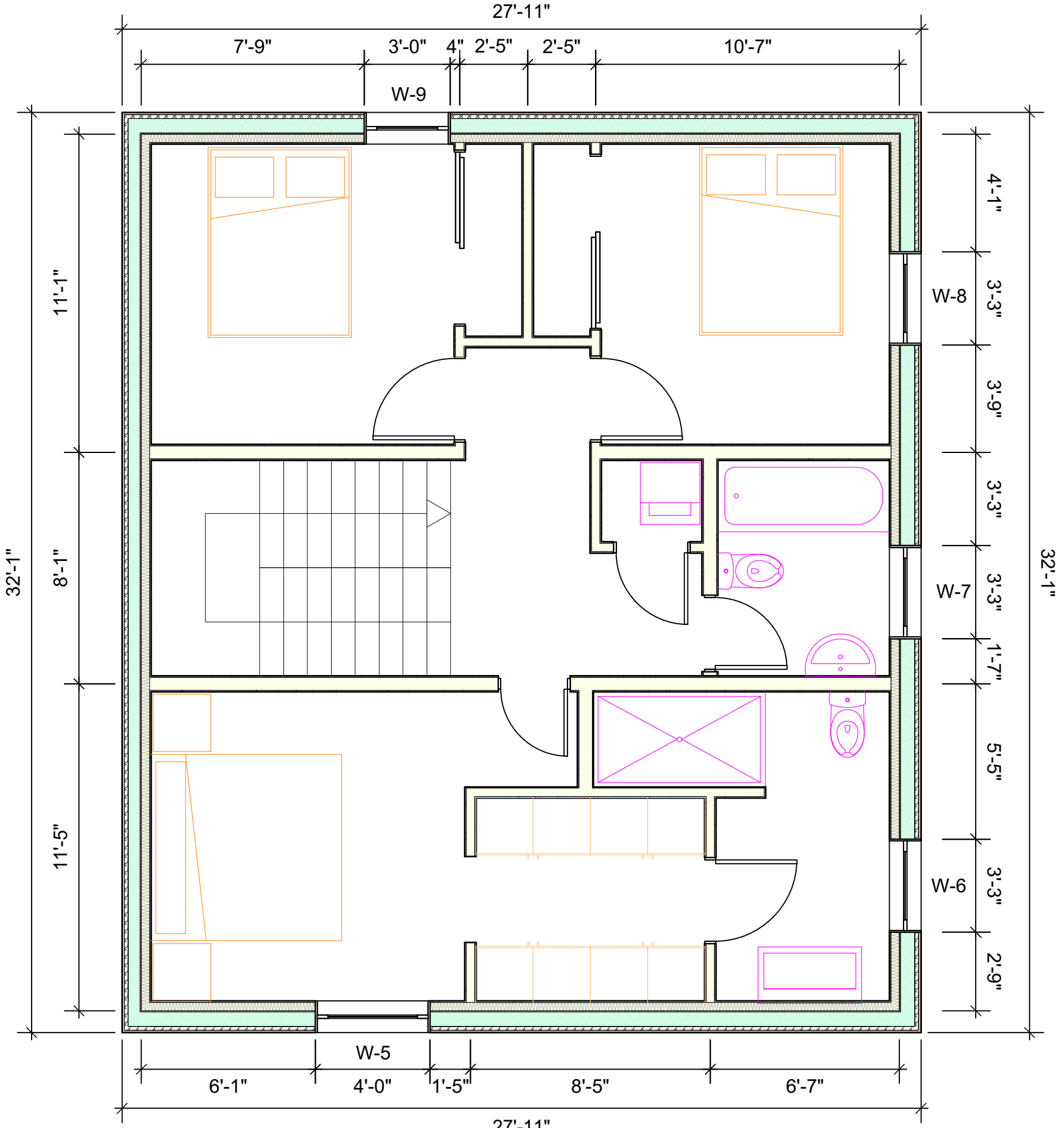
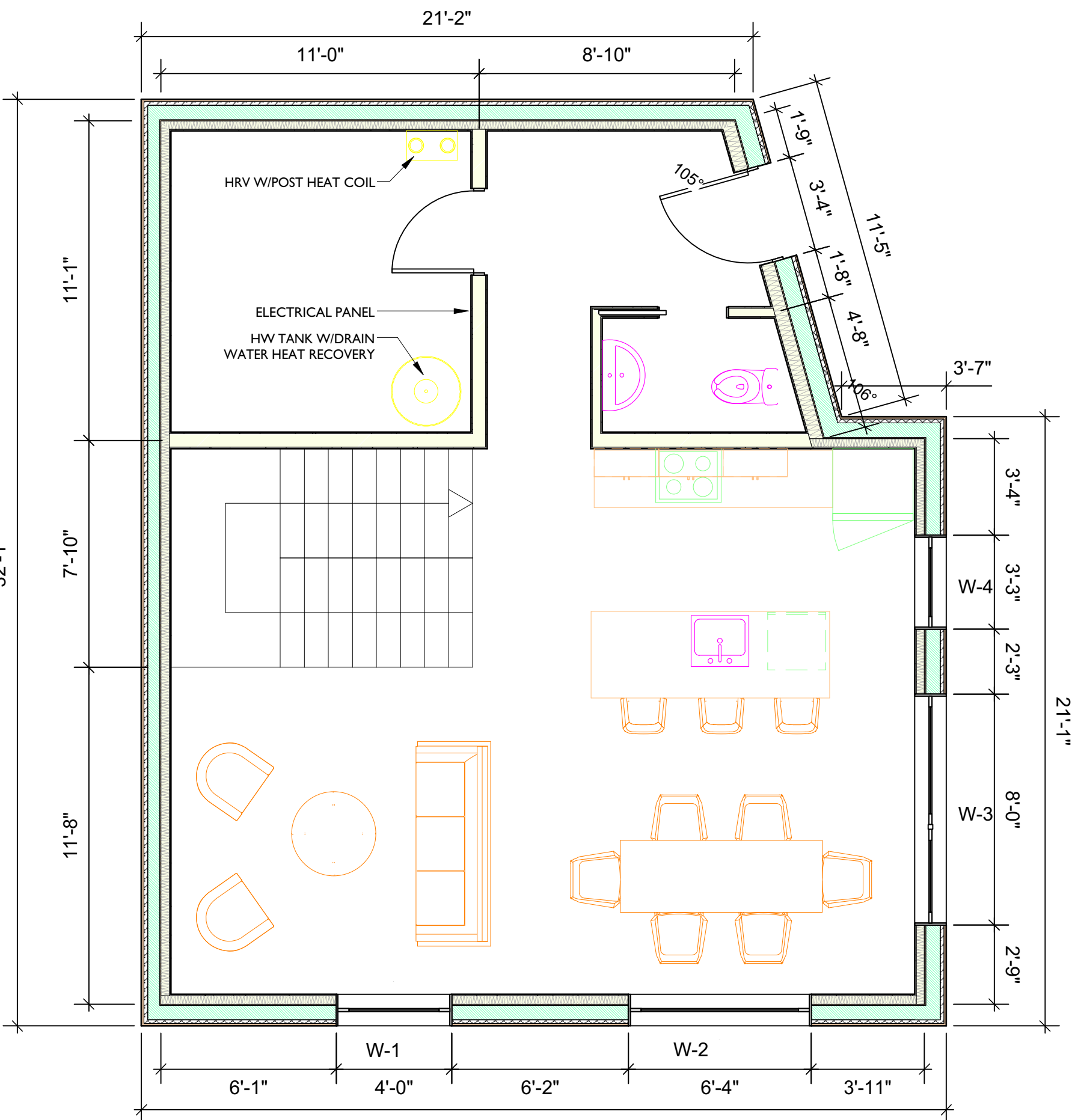
Issue Notes

2744 Fifth Street
Rezoning

Floor Plans
TFA

Scale
As Noted

Sheet No.
A 1.5
of
A1.8

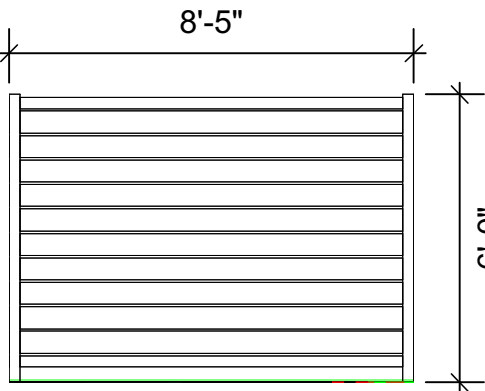




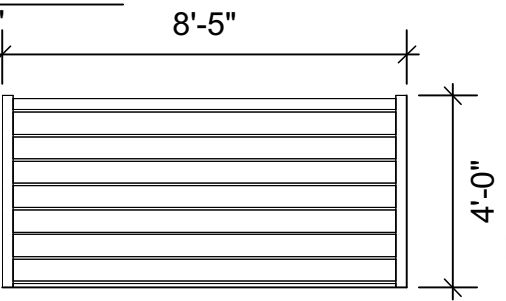
Existing Site



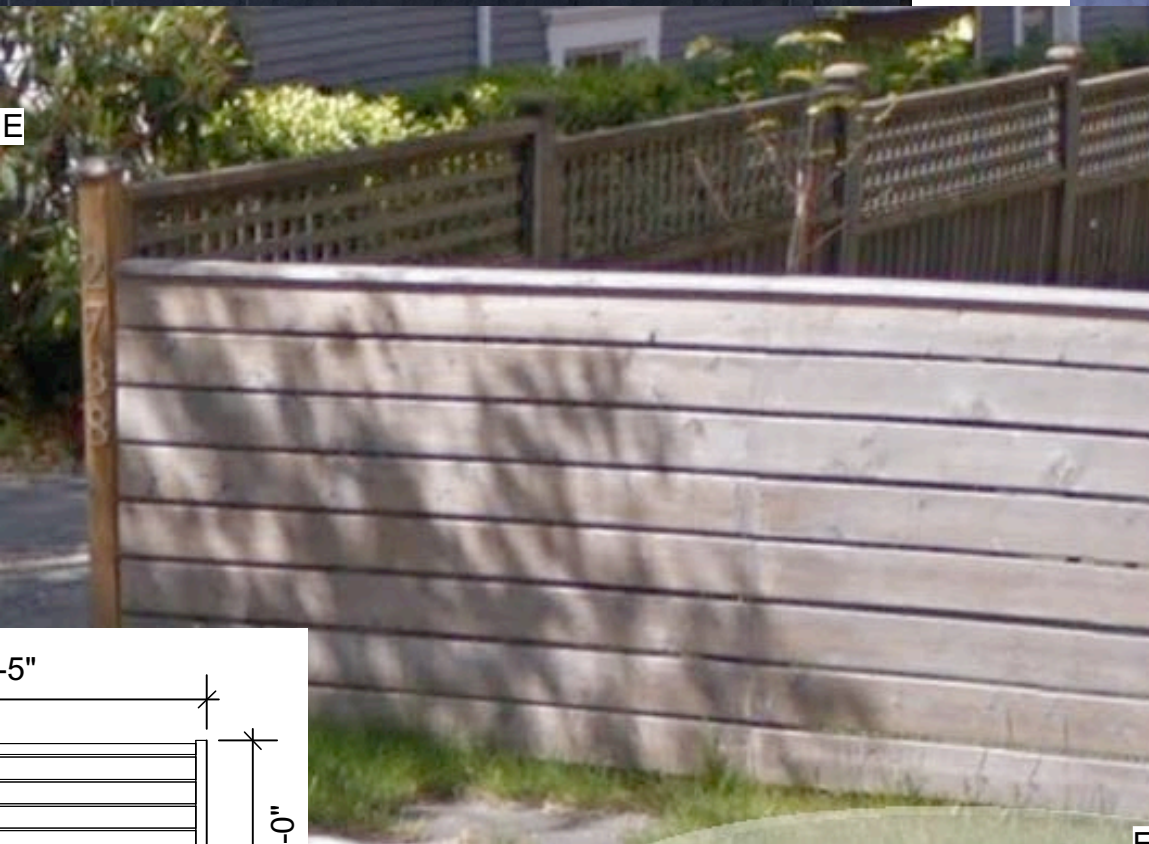
EXISTING FENCE - SOUTH PROPERTY LINE



2 North and West Fence
Scale: 1/4" = 1'-0"



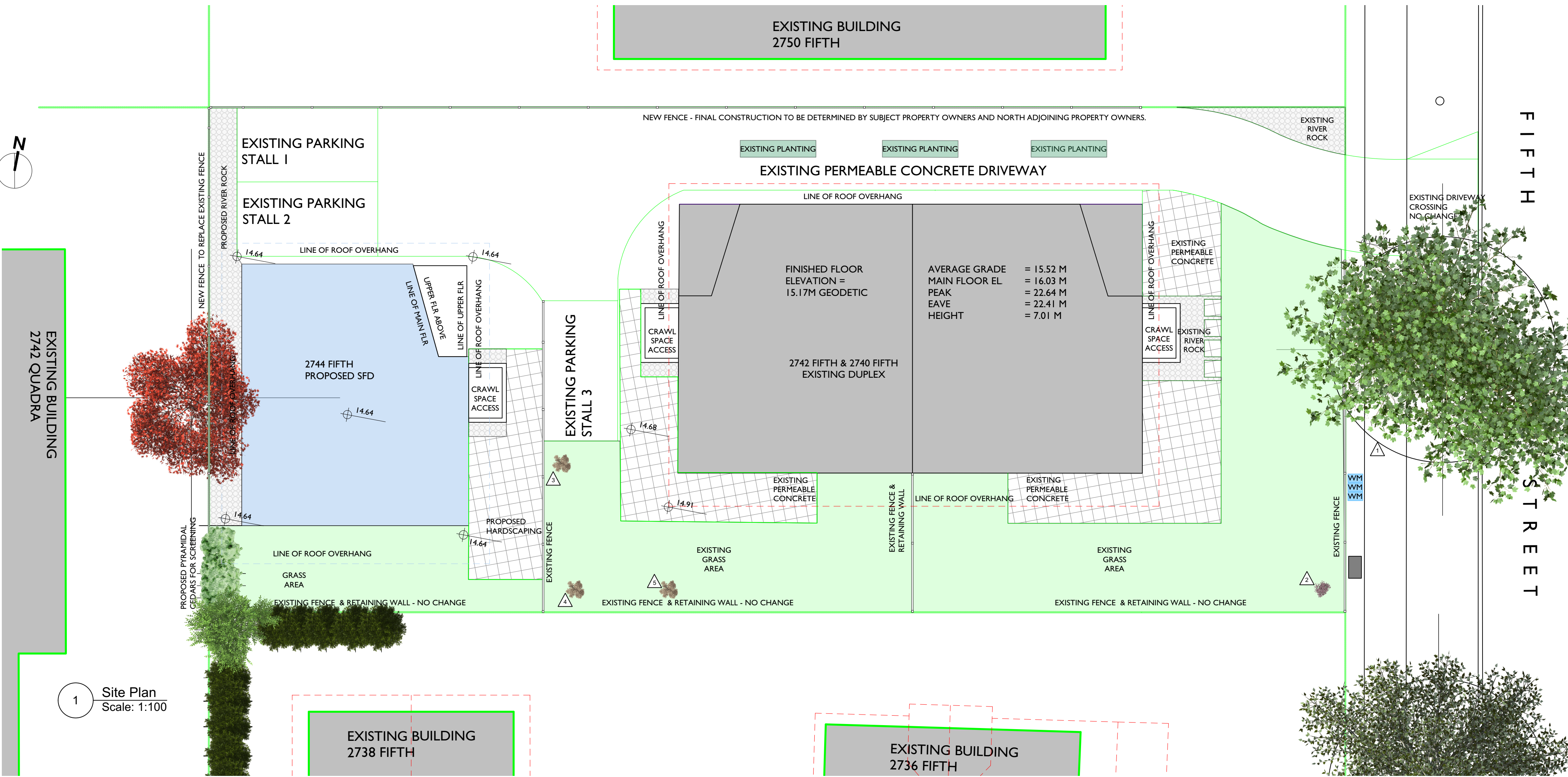
3 East Fence - Existing
Scale: 1/4" = 1'-0"



EXISTING FENCES - SOUTHEAST PROPERTY LINE
SOUTH FENCE - HORIZONTAL WOOD - STAINED
PROPOSED FENCE NORTH AND WEST TO MATCH
EXISTING EAST FENCE FINISH



EXISTING FENCE / SCREENING - SOUTH PROPERTY LINE
PANEL 5 FT HEIGHT
T&G VERTICAL BOARDS W/ LATTICE ABOVE - STAINED



1 Site Plan
Scale: 1:100



EXAMPLES OF PRUNUS 'AMANOGAWA'

EXAMPLES OF MAGNOLIA 'GALAXY'

Trees			
Tree Number	Species	DBH (m)	Comments
1	Acer rubrum 'Armstrong'	0.300	Existing to be retained
2	Magnolia 'Galaxy'	0.019	Existing to be retained
3	Prunus 'Amanogawa'	0.032	Existing to be retained
4	Prunus 'Amanogawa'	0.032	Existing to be retained
5	Prunus 'Amanogawa'	0.032	Existing to be retained

Project Title

2744 Fifth Street Rezoning

Scale

As Noted

Sheet No.

A 1.6

of

A1.8

Client Name

Blake & Cassidy

Client

2740 Fifth St

Drawn By

CD

Project ID

Revision

Date

2020.04.01

No.

Date

Public Hearing Submission

20-4-1

Public Hearing - Client Review 2

20-3-14

Public Hearing - Client Review

20-1-20

Rezoning Revised Submission

19-9-22

Rezoning Submission

19-7-11

CALUC Plans for Client Review

18-11-21

Issue Notes

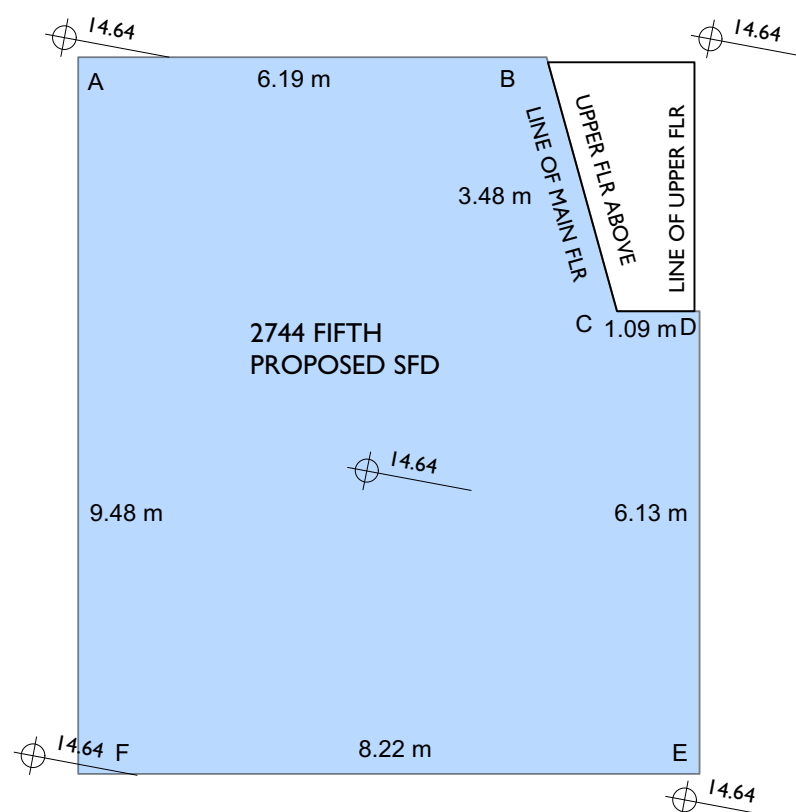
ADAPT ENERGY ADVISING

2740 FIFTH ST VICTORIA, BC V8T 4B2

info@adaptenergyadvising.com

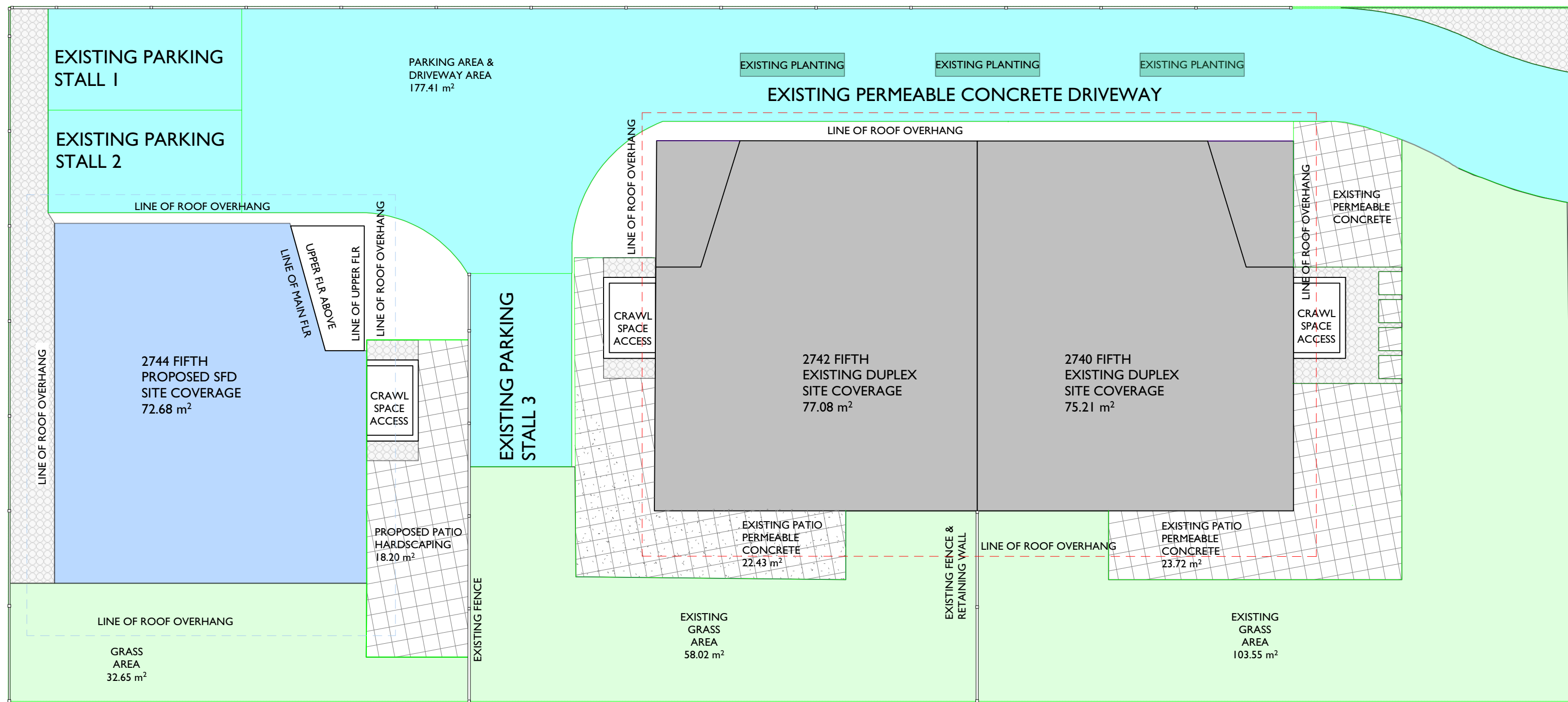
adaptenergyadvising.com

Average Grade 2744 Fifth									
Grade Points	Geodetic Elevation (M)	Geodetic Elevation (FT)	Between Grade Points	Average of Points (M)	Average of Points (FT)	Between Grade Points	Distance (M)	Distance (FT)	Totals
A	14.64	48.02	AB	14.64	48.02	AB	6.19	20.30	90.62
B	14.64	48.02	BC	14.64	48.02	BC	3.48	11.41	50.95
C	14.64	48.02	CD	14.64	48.02	CD	1.09	3.58	15.96
D	14.64	48.02	DE	14.64	48.02	DE	6.13	20.11	89.74
E	14.64	48.02	EF	14.64	48.02	EF	8.22	26.96	120.34
F	14.64	48.02	FG	14.64	48.02	FG	9.48	31.09	138.79
Totals							34.59		506.40
Average Grade Existing & Proposed	14.64	48.02							

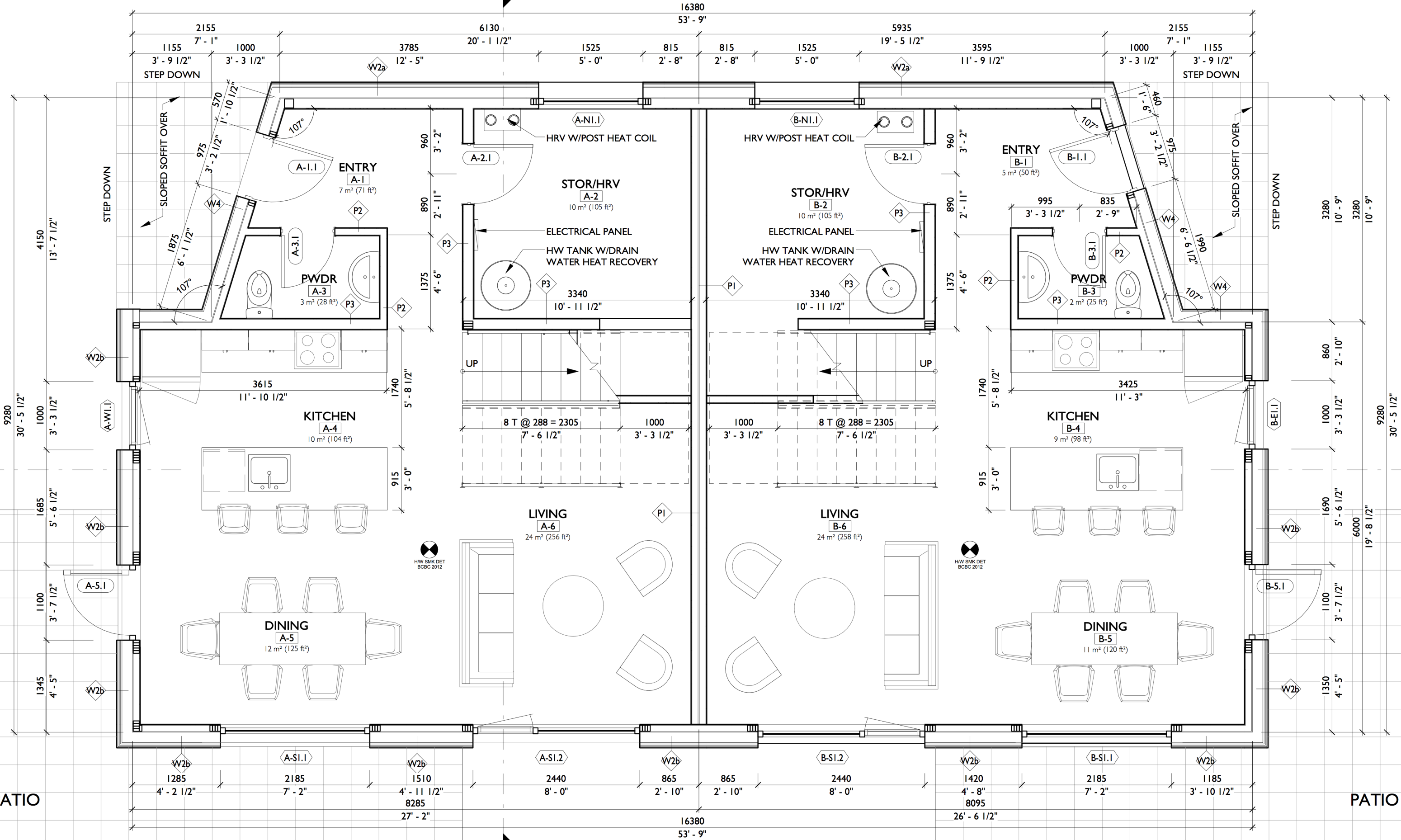


Zoning Areas			Proposed (metric)
Lot Area			752.50
Site Coverage			29.90%
Open Space			53.47%
Open Space = (Parking & driveway areas + Building site coverage area) / Lot Area			
Building Site Coverage Area	Total		224.97
Site Coverage 2744			72.68
Site Coverage 2742			77.08
Site Coverage 2740			75.21
Parking Area and Driveways	Total		177.41
Grass Area - Private Outdoor Space	Total		194.22
Grass Coverage 2744			32.65
Grass Coverage 2742			58.02
Grass Coverage 2740			103.55
Patio Area - Private Outdoor Space	Total		64.36
Patio Coverage 2744			18.20
Patio Coverage 2742			22.43
Patio Coverage 2740			23.72

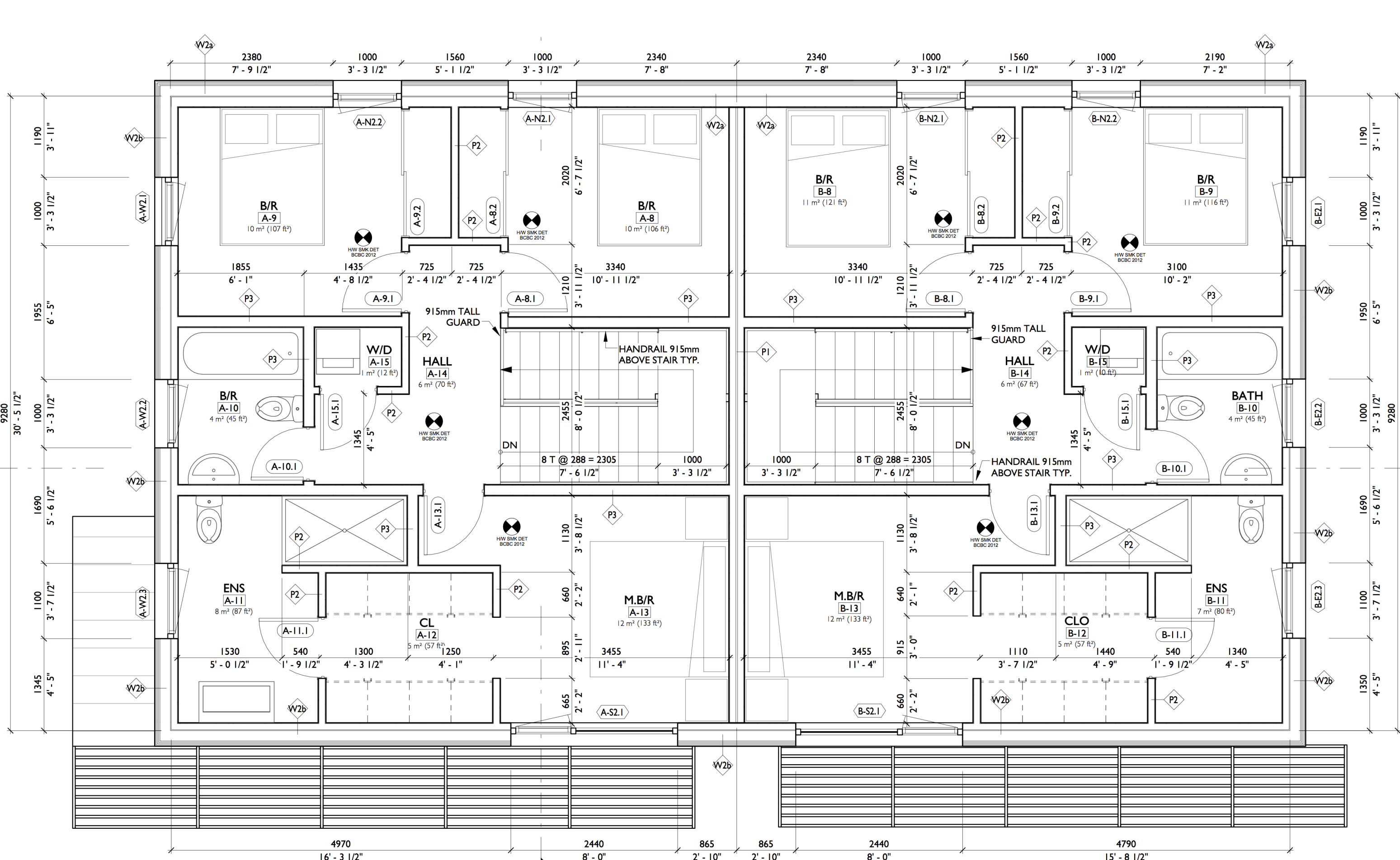
1 Existing & Proposed Grade Points
Scale: 1:100



2 Open Space Areas
Scale: 1:100



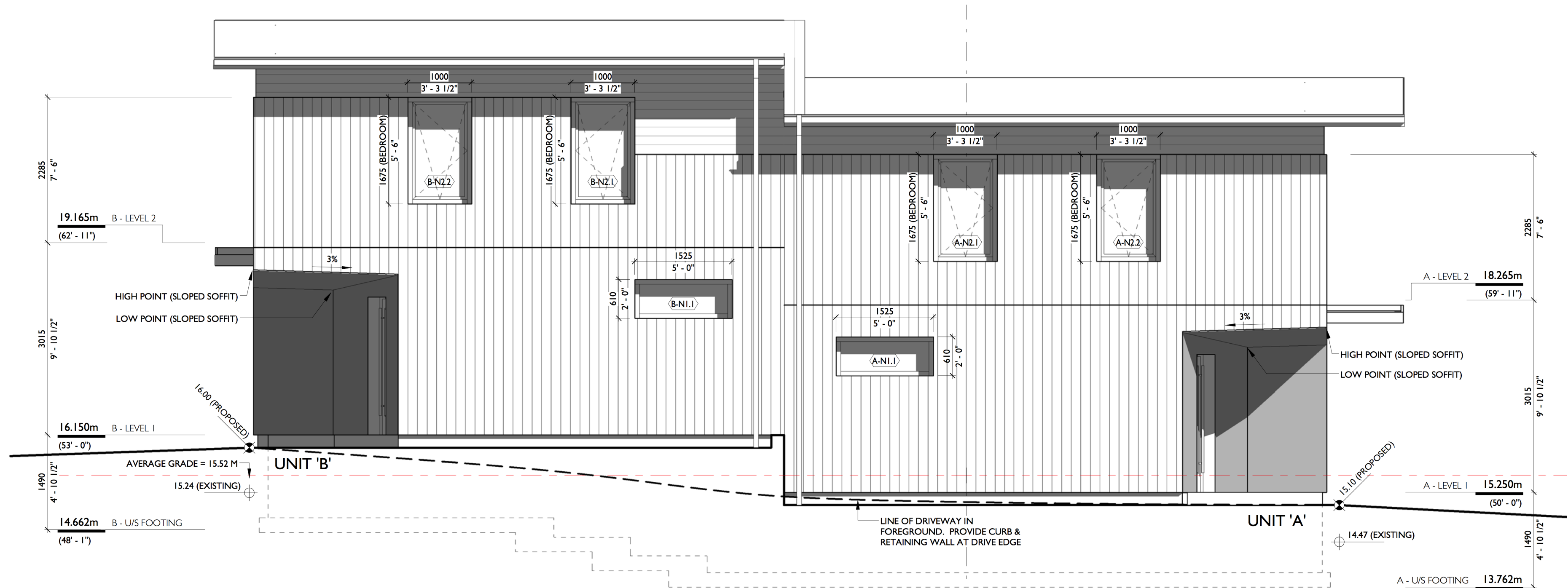
3 Existing Main Floor Plans - BP052814
Scale: 1:50



4 Existing Upper Floor Plans - BP052814
Scale: 1:50

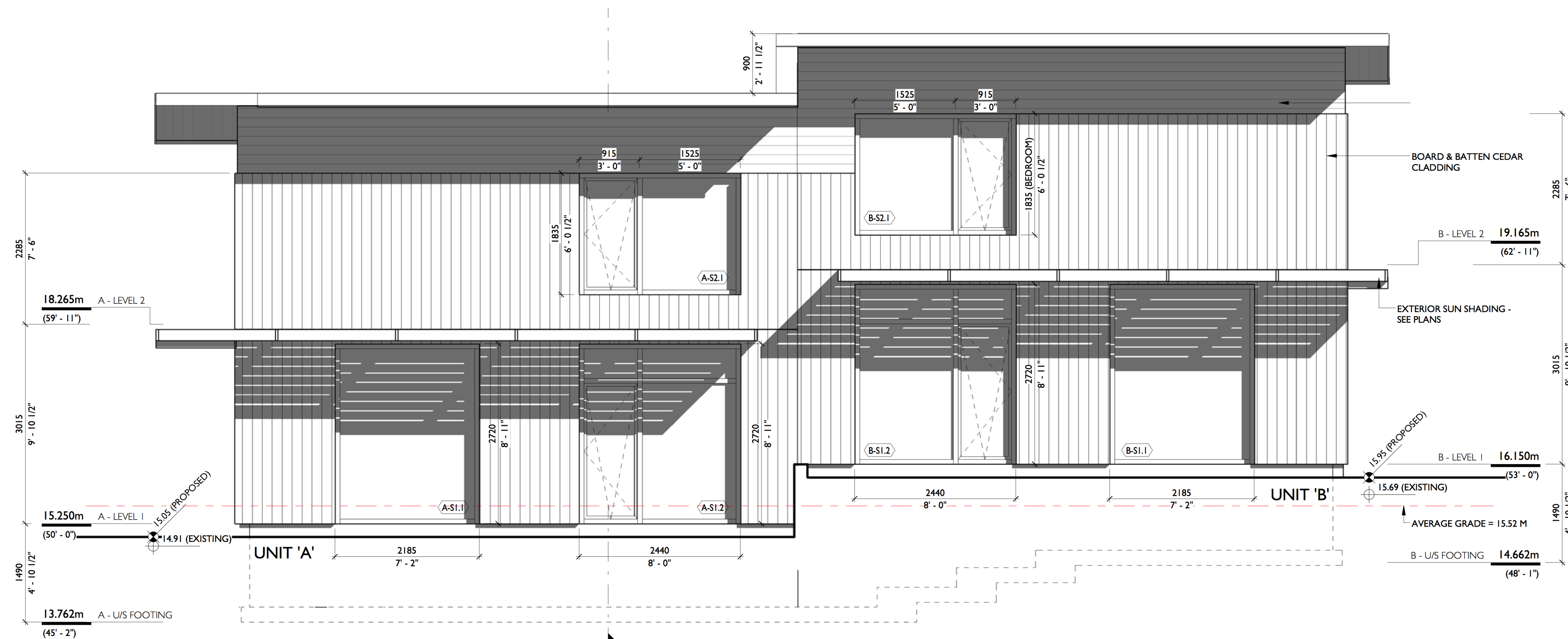
Project Title	2744 Fifth Street Rezoning	Client Name	Blake & Cassidy	Public Hearing Submission	20-4-1	Date	2020.04.01
Scale	As Noted	Client Address	2740 Fifth St	Public Hearing - Client Review 2	20-3-14	No.	
Sheet No.	A 1.7	Drawn By	CD	Public Hearing - Client Review	20-1-20	F	
	of	Project ID		Rezonon Revised Submission	19-9-22	D	
	A1.8	Revision		Rezonon Submission	19-7-11	C	
		Date		Rezonon Plans for Client Review	18-11-21	B	
				Issue Notes		A	

A

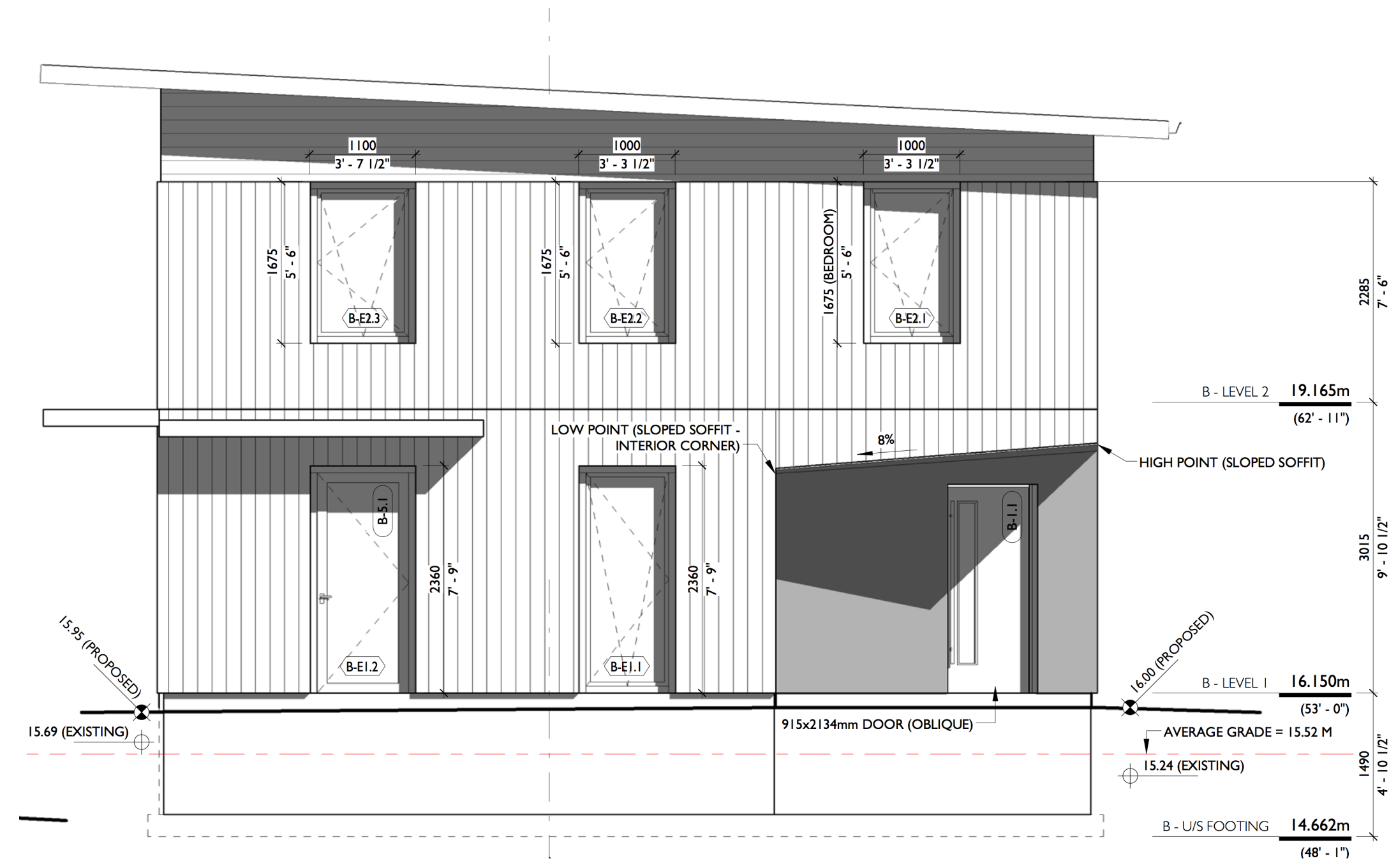


1 Existing North Elevation Plan provided under BP052814
Scale: 1:50

B



2 Existing South Elevation Plan provided under BP052814
Scale: 1:50



3 Existing East Elevation Plan provided under BP052814
Scale: 1:50



4 Existing West Elevation Plan provided under BP052814
Scale: 1:50

A

B

Project Title		2744 Fifth Street Rezoning		Project Name		Blake & Cassidy		F		20-4-1		Public Hearing Submission	
Scale		As Noted		Client Address		2740 Fifth ST		E		20-3-14		Public Hearing - Client Review 2	
Sheet No.		A 1.8		Drawn By		CD		D		20-1-20		Public Hearing - Client Review	
				Project ID				C		19-9-22		Rezoning Revised Submission	
				Revision				B		19-7-11		Rezoning Submission	
				Date		2020.04.01		A		18-11-21		CALC Plans for Client Review	
								No.		Date		Issue Notes	

Aneesa Blake and Reed Cassidy
 2740 Fifth Street
 Victoria BC
 V8T 4B2

Dear Mayor and Council,

RE: 2740 and 2742 Fifth Street: Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 (Hillside/Quadra)

Response to Council Meeting Minutes dated December 12, 2019

The existing dwelling located at 2740 and 2742 Fifth St is a Passive House Certified duplex, built in 2017. The proposed rezoning is to add a two storey, 1481 sqft 3 bedroom, 2.5 bathroom single family dwelling in the rear yard of the property, with one proposed variance to reduce the rear yard setback from 3m to 1.2m. We are proposing to change the zoning of the property to R2-38, which matches that of the neighboring Southern property. The Southern property has a heritage home facing the street and a duplex in the rear yard. Our proposal encompasses 3 off-street parking spots.

The proposal aligns with the OCP in many ways and fits in with the density of the neighbourhood. Offering an energy efficient, single-family, ground-oriented home, with off-street parking and manageable yard space is perfect for the modern family and a bold idea that achieves new results.

We addressed council at the public hearing on December 12, 2019 to explain our proposal and request the proposal proceed. Council agreed to allow this to proceed to public hearing, granted conditions were met. Those conditions (in ***bold italics***) and the actions we have taken to resolve them, are as follows:

- a. ***Preparation and execution of legal agreements to secure the design of the existing and proposed buildings including the energy efficiency certifications, to the satisfaction of City Staff.*** A covenant has been registered on title to secure that the building will be built as a Passive House Low Energy Building. The benefit is that future tenants will enjoy quiet, efficient and comfortable homes while the CoV further increases the number of Passive Houses in its jurisdiction.
- b. ***Preparation and execution of a Housing Agreement to secure the proposed dwelling as rental for five years.*** A housing agreement has been registered on title to secure the proposed dwelling as a rental for ten years. The addition of rental housing directly supports the Victoria Housing Strategy.
- c. ***That the motion be amended by adding a point c as follows: c. Subject to refinements being made to the proposal with respect to the length of rental tenure and the passive house standard of the new building.*** Rentals of this nature are currently in high demand and have exhibited a 0% vacancy rate over the last few years. In spite of this, we feel as though ten years of rental tenure is adequate because the rental issue is a current issue. The city's strategy is to provide adequate rental housing, therefore there is potential that in ten years, the market will have improved.

The proposed building has been energy modelled with the Passive House Planning Package software. Passive House Low Energy Building is the certification that has been selected due to the shady nature of the site; the apartment building to the West and the tall duplex to the South limit winter sunlight from reaching the proposed building. This certification best compliments the proposal, providing superior energy efficiency, the prestige of a Passive House certification, and is not cost prohibitive. The Passive House Low Energy Building standard is roughly equivalent to Step 5 of the BC Building Code Energy Step Code.

We have always been passionate about energy efficient rental housing, however having recently welcomed a new addition to our family (baby Ziggy), we're even more convinced that everyone deserves an opportunity to reduce their ecological footprint and preserve resources for future generations. We are excited at the opportunity to contribute to centrally located, low maintenance rentals, for families like ourselves to enjoy. We are equally thrilled to do so while helping Mayor and Council achieve the Housing Strategy and increasing the tax base.

NO. 21-058

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to rezone land known as 2740 & 2742 Fifth Street from the R-2 Zone, Two Family Dwelling District, to the R2-38 Zone, Fifth Duplex District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT
BYLAW (NO. 1216)”.
- 2 The land known as 2740 & 2742 Fifth Street, legally described as PID: 002-996-588, Lot
13, Block 15, Section 4, Victoria District, Plan 240, and shown hatched on the attached
map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-
38 Zone, Fifth Duplex District.

READ A FIRST TIME the day of 2021

READ A SECOND TIME the _____ day of _____ 2021

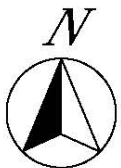
Public hearing held on the _____ day of _____ 2021

READ A THIRD TIME the _____ day of _____ 2021

ADOPTED on the _____ day of _____ 2021

CITY CLERK

MAYOR



Schedule A

HOUSING AGREEMENT

(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

Aneesa Marie Sophia Blake
2740 Fifth Street
Victoria, BC, V8T 4B2
as to an undivided 99/100 interest

Reed William Cassidy
2740 Fifth Street
Victoria, BC V8T 4B2
as to an undivided 1/100 interest

(collectively the "Owner")

AND:

**Vancouver City Savings Credit Union,
In Trust (see DF BL051963)**
1300-13450 102nd Avenue
Surrey, BC V3T 5X4

(the "Existing Chargeholder")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing unit identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 2740 and 2742 Fifth Street, Victoria, B.C. and legally described as:

PID: 002-996-588
Lot 13 Block 15 Section 4 Victoria District Plan 240

1352312-6{00056329.2}
1352312-5

(the "Lands").

- D. The Owner has applied to the City to rezone the Lands to permit the construction of a three-bedroom, two-storey single family house in the rear yard of an existing duplex located on the Lands.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that the Dwelling Unit within the Development on the Lands will be used and held as rental housing for a period of 10 years.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" means the single family house designed as a low energy passive house to be constructed on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the self-contained dwelling units within the Development, and "Dwelling Unit" means any of such residential dwelling units located within the Development;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

{00056329.2}
1352312-5

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing for a period of 10 years beginning from the date the City issues a final occupancy permit for the Development, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Units.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) the Dwelling Units are being rented to Non-owners or is vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** Notice of this Agreement (the “**Notice**”) will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 LIABILITY

- 6.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen “but for” this Agreement.

- 6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen “but for” this Agreement.

7.0 PRIORITY AGREEMENT

- 7.1** The Existing Chargeholder, as the registered holder of a charge by way of a mortgage against the Lands, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA8755490, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

8.0 GENERAL PROVISIONS

- 8.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

{00056329.2}
1352312-5

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

2740 Fifth Street
Victoria, BC
V8T 4B2

Attention: Aneesa Blake and Reed Cassidy
Email: aneesablake@hotmail.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

8.2 TIME. Time is of the essence of this Agreement.

8.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

8.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

{00056329.2}
1352312-5

- 8.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 8.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent

{00056329;2}
1352312-5

permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.


- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF VICTORIA by)
its authorized signatories:)
)
)
)
Karen Hoese, Director of Sustainable Development)
and Community Planning)

Date signed: _____

SIGNED, SEALED and DELIVERED by)
ANEESA MARIE SOPHIA BLAKE in the presence of:)


Signature _____

Name Sunny Wright
A Commissioner for taking
affidavits in B.C.
Address 202-1007 Fort Street
Victoria BC V8V 3K5
My Commission Expires August 31, 2023

Occupation _____

Date signed: February 9, 2021

[signatures continued on following page]

SIGNED, SEALED and DELIVERED by
REED WILLIAM CASSIDY in the presence of:

Sunny Wright

Signature

Name Sunny Wright
 A Commissioner for taking
 affidavits in B.C.
 Address 202-1007 Fort Street
 Victoria BC V8V 3K5
 My Commission Expires August 31, 2023

Occupation

Date signed: *February 9, 2021*

Reed William Cassidy

Reed William Cassidy

VANCOUVER CITY SAVINGS CREDIT UNION, in trust)
 (see DF BL051963), by its authorized signatory(ies):)

Print Name: _____)

Print Name: _____)

Date signed: _____)

SIGNED, SEALED and DELIVERED by
REED WILLIAM CASSIDY in the presence of:

 Signature

 Name


 Address

 Occupation

Date signed: _____

 Reed William Cassidy

VANCOUVER CITY SAVINGS CREDIT UNION, in trust)
 (see DF BL051963), by its authorized signatory(ies):)



 Print Name: **Mary Schumaker**
 Manager, TSF



 Print Name: **Ariana Heron**
 CLA Manager

Date signed: Feb 22 2021



Council Report

For the Meeting of June 10, 2021

To: Council **Date:** June 3, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Update Report for Rezoning Application No. 00714 and Associated Official Community Plan Amendment and Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue

RECOMMENDATION

That the following bylaws **be given final adoption:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1242) No. 21-006
2. Housing Agreement (3080, 3082 and 3090 Washington Avenue) Bylaw (2021) No. 21-007
3. Official Community Plan, Amendment Bylaw (No. 37) No. 21-008
4. Land Use Contract Discharge (3080, 3082 and 3090 Washington Avenue) Bylaw No. 21-019.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit Applications for the properties located at 3080, 3082 and 3090 Washington Avenue. The proposal is to rezone from the R1-B Zone, Single-Family Dwelling District, to a new zone in order to increase the density and construct nine attached dwelling buildings (townhouses) with several units in each and one duplex, totalling 34 dwelling units. An amendment to the Official Community Plan from Traditional Residential to Urban Residential is required to facilitate this development.

The above-mentioned bylaws were given third reading at the Council meeting on March 25, 2021. Council withheld the consideration of final adoption until the City received confirmation from the applicant that the legal agreements associated with the Rezoning application were registered on title (except for the Housing Agreement, which cannot be registered until it is adopted by Council). Staff received confirmation that the legal agreements are registered on title, and Council may now consider final adoption of the bylaws and the approval of the concurrent Development Permit application.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R2-61 Zone, Washington Townhouse District, and to rezone land known as 3080, 3082 and 3090 Washington Avenue from the R1-B Zone, Single Family Dwelling District, to the R2-61 Zone, Washington Townhouse District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1242)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 2 – ATTACHED DWELLING ZONES by adding the following words:

“2.156 R2-61 Washington Townhouse District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 2.155 the provisions contained in Schedule 1 of this Bylaw.
- 4 The following lands, which are shown hatched on the attached map forming part of this Bylaw as Appendix 1, are removed from the R1-B Zone, Single Family Dwelling District, and placed in the R2-61 Zone, Washington Townhouse District:
 - a) land known as 3080 Washington Avenue and legally described as:
PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431
 - b) land known as 3082 Washington Avenue and legally described as:
PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431
 - c) land known as 3090 Washington Avenue and legally described as:
PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431

READ A FIRST TIME the 11th day of **March** 2021

READ A SECOND TIME the 11th day of **March** 2021

Public hearing held on the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

PART 2.156 – R2-61 ZONE, WASHINGTON TOWNHOUSE DISTRICT**2.156.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling, subject to the regulations contained in Part 1.2
- b. Two family dwelling, subject to the regulations in this Part
- c. Attached dwelling, subject to the regulations in this Part
- d. Home occupation subject to the regulations in Schedule “D”
- e. Accessory Buildings subject to the regulations in Schedule “F”

2.156.2 Number of Buildings, Restrictions on Use

- a. Notwithstanding Section 19 of the General Regulations, more than one building is permitted on a lot subject to the regulations in this Part.
- b. No more than four self-contained dwelling units per attached dwelling.
- c. No more than one two family dwelling may be permitted on a lot.
- d. More than one attached dwelling may be located on a lot.
- e. One two family dwelling and more than one attached dwelling may be permitted on the same lot.

2.156.3 Lot Area and Width

- a. Lot area (minimum) 6031m²
- b. Lot width (minimum) 70m

2.156.4 Floor Space Ratio

- a. Floor space ratio (maximum) 0.78:1

2.156.5 Height, Storeys

- a. Building height (maximum) 11.10m
- b. Storeys (maximum) 3

PART 2.156 – R2-61 ZONE, WASHINGTON TOWNHOUSE DISTRICT**2.156.6 Setbacks, Projections, Building Separations**

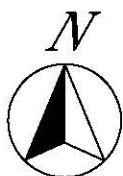
- | | |
|--|-------|
| a. <u>Front yard setback</u> (minimum) | 4m |
| b. <u>Rear yard setback</u> (minimum) | 5.50m |
| c. <u>Side yard setback</u> (north) (minimum) | 5.45m |
| d. <u>Side yard setback</u> (south) (minimum) | 3.40m |
| e. Eave projection (maximum) | 0.75m |
| f. East-West <u>building</u> separation distance, excluding <u>balcony</u> (minimum) | 6.70m |
| g. North-South <u>building</u> separation distance, excluding <u>balcony</u> (minimum) | 3m |

2.156.7 Site Coverage, Open Site Space

- | | |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 40% |
| b. <u>Open site space</u> (minimum) | 39% |

2.157.8 Vehicle and Bicycle Parking

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule “C” |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule “C” |



CITY OF
VICTORIA

HOUSING AGREEMENT (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure no restrictions on rental housing for the lands known as 3080, 3082 and 3090 Washington Avenue, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1** This Bylaw may be cited as the "HOUSING AGREEMENT (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW (2021)".

Agreement authorized

- 2** The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Kasapi Construction Co. Ltd., Inc. No. 42,495 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 3080, 3082 and 3090 Washington Avenue Victoria, BC, legally described as:
PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431
PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431
PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431

READ A FIRST TIME the **11th** day of **March** 2021

READ A SECOND TIME the **11th** day of **March** 2021

READ A THIRD TIME the **11th** day of **March** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

HOUSING AGREEMENT

(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "City")

AND:

3080 WASHINGTON DEVELOPMENT LTD. INC NO., BC1224918
538 Dupplin Road
Victoria, B.C.
(the "Owner")

WHEREAS

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 3080, 3082 and 3090 Washington Avenue, Victoria, BC and legally described as:
PID: 009-077-618 LOT 9, SECTION 7A, VICTORIA DISTRICT, PLAN 431
PID: 009-077-634 LOT 10, SECTION 7A, VICTORIA DISTRICT, PLAN 431
PID: 009-077-642 LOT 11, SECTION 7A, VICTORIA DISTRICT, PLAN 431
(the "Lands").
- D. Application has been made to the City to rezone the Lands to permit 34 townhouses within the Development in accordance with this Agreement.
- E. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the strata corporation, but the intent of this housing agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units).

{00011160:5}

- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia.

"**Development**" means the proposed development of residential housing on the Lands to include 34 Dwelling Units.

"**Dwelling Units**" means any or all, as the context may require, of the 34 self-contained townhouse dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise; and

"**Dwelling Unit**" means any of such residential dwelling units located on the Lands.

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse.

"**Non-owner**" means a person other than a Related Person or the Owner.

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner.

"**Strata Corporation**" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming:
 - (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 3.2 The Owner covenants and agrees:
 - (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
 - (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

- 4.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

6.0 General Provisions

- 6.1 **Notice.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
 #1 Centennial Square
 Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
 Community Development
 Fax: 250-361-0386
 Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

3080 Washington Development Ltd.
 204-655 Tyee Road.
 Victoria, BC V9A 6X5

Attention: Sam Ganong
 tel: 250-475-2291
 Email: sam@curatedevelopments.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

- 7.2 **Time.** Time is of the essence of this Agreement.
- 7.3 **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 7.4 **Waiver.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.5 **Headings.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 7.6 **Language.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 7.7 **Legislation.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 7.8 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 7.9 **Cumulative Remedies.** No remedy under this Agreement is to be deemed exclusive but

will, where possible, be cumulative with all other remedies at law or in equity.

- 7.10 **Entire Agreement.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 **Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 **No Derogation From Statutory Authority.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 7.15 **Severability.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 7.16 **Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 7.17 **Counterparts.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 7.18 **Effective Date.** This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.


THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

_____)
 Karen Hoese, Director of Sustainable)
 Planning and Community Development)

Date signed: _____)

[Owner]

3080 WASHINGTON DEVELOPMENT LTD.
by its authorized signatory(ies):



Print Name: Sam Ganong

Print Name: _____

Date signed: Feb 26, 2021

NO. 21-008

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation for 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential.

Under its statutory powers, including sections 471 to 474 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 37)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended as follows:
 - a) the urban place designations of the lands known as 3080, 3082 and 3090 Washington Avenue are changed from Traditional Residential to Urban Residential;
 - b) in Section 6, Map 2: Urban Place Designations is repealed and replaced with the Map 2 attached to this bylaw as Schedule “A”;
 - c) in Section 21, Map 19 is repealed and replaced with the Map 20 attached to this bylaw as Schedule “B”.

READ A FIRST TIME the 11th day of **March** 2021

READ A SECOND TIME the 11th day of **March** 2021

Public hearing held on the day of 2021

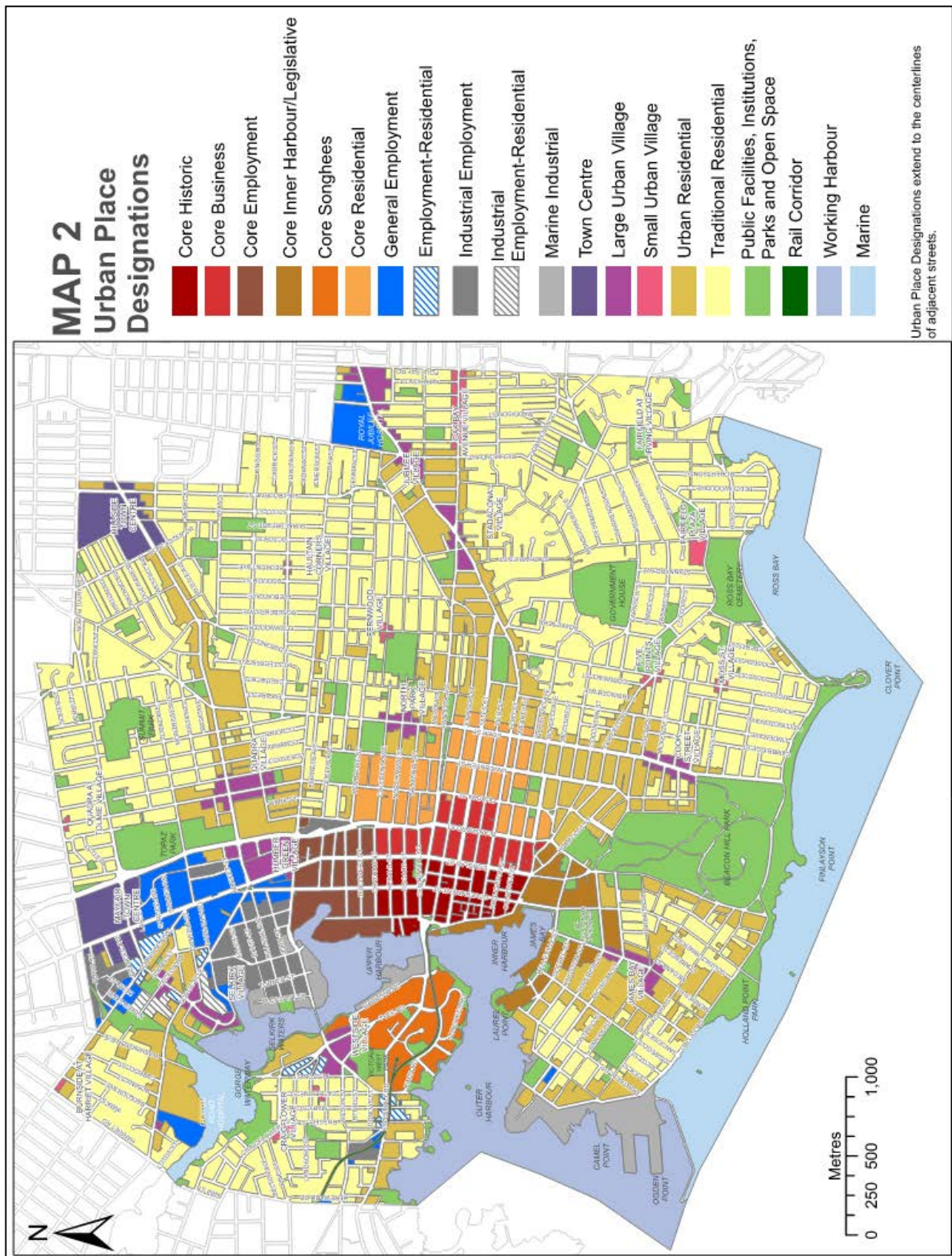
READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

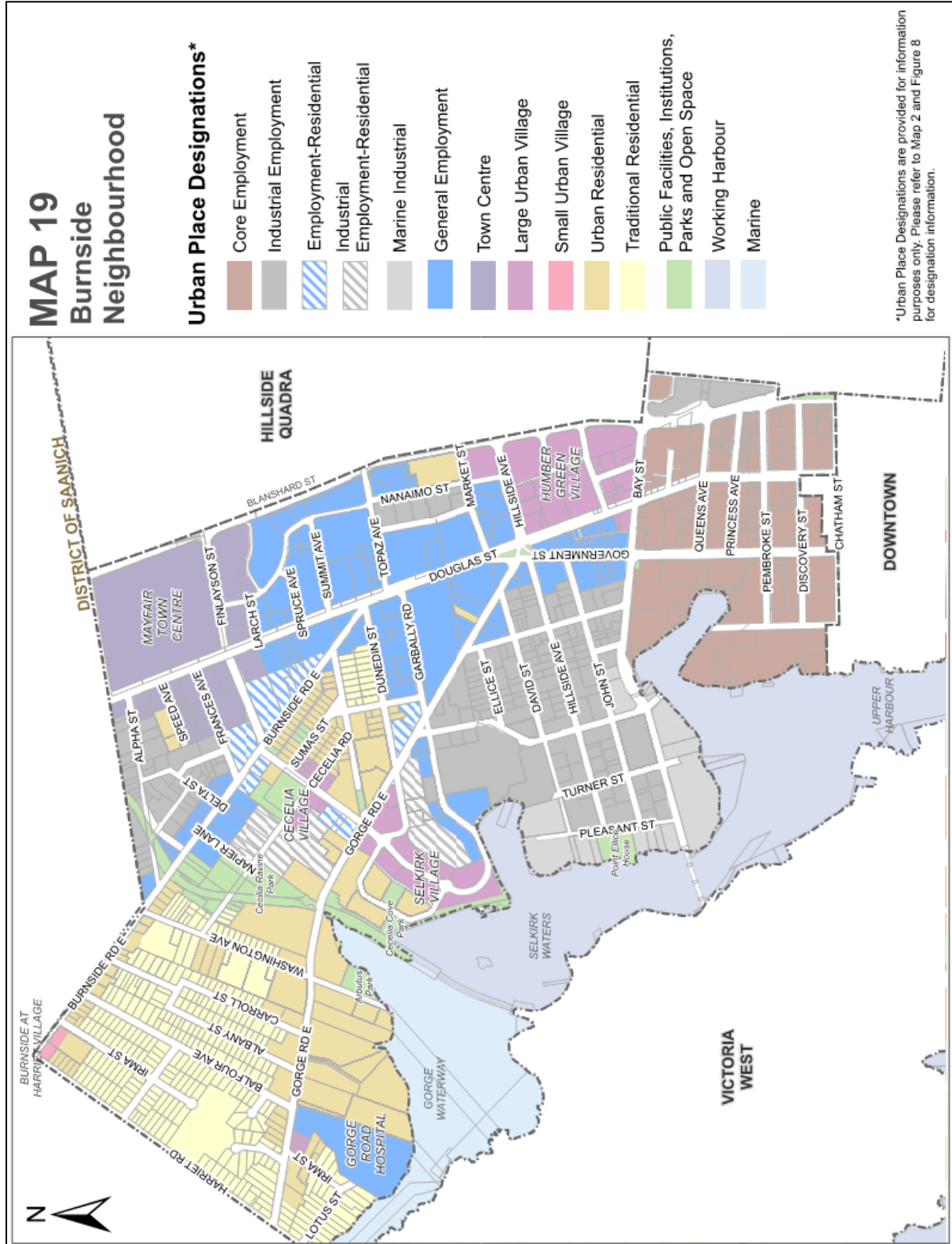
CITY CLERK

MAYOR

Schedule A



Schedule B



LAND USE CONTRACT DISCHARGE (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 3080, 3082 and 3090 Washington Avenue.

Under its statutory powers, including section 546 of the *Local Government Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1** This Bylaw may be cited as the "LAND USE CONTRACT DISCHARGE (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW".

Definition

- 2** In this Bylaw,

"Lands" means the land civically known and legally described as:

- (i) 3080 Washington Avenue, PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431
- (ii) 3082 Washington Avenue, PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431
- (iii) 3090 Washington Avenue, PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431

"Land Use Contract" means the contract registered in the Victoria Land Title Office under charge number F32837.

Discharge of land use contract

- 3** The Land Use Contract registered against the Lands is discharged.
- 4** The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

READ A FIRST TIME the	11 th	day of	March	2021
READ A SECOND TIME the	11 th	day of	March	2021
Public hearing held on the		day of		2021
READ A THIRD TIME the		day of		2021
ADOPTED on the		day of		2021.

CITY CLERK

MAYOR



The Corporation of the District of Saanich | Mayor's Office

770 Vernon Avenue Victoria BC V8X 2W7 | T 250-475-5510 | F 250-475-5440 | www.saanich.ca

Sent via email

June 1, 2021

British Columbia Elected Officials
BC Chief Administrative Officers

Re: British Columbia Climate Action Revenue Incentive Program (CARIP) Ending

This letter will confirm that Council, at their meeting held May 17, 2021, considered a staff report on the end of the Climate Action Revenue Incentive Program (CARIP) and resolved as follows:

"That Council:

- 1. Receive for information the report of the Director of Planning dated May 13, 2021.*
- 2. Direct the Mayor to send a letter to the Premier, the Minister of Municipal Affairs; the Minister of Environment and Climate Change Strategy; the Minister of Finance, and the Union of British Columbia Municipalities (UBCM) based upon the draft provided, detailing the impact of cancelling the Climate Action Revenue Incentive Program (CARIP) and the need for a swift replacement that provides consistent, non-application funding to allow the District of Saanich and other municipalities to continue their work at a scale that can deliver on the Provincial CleanBC Plan and Municipal Climate Plans.*
- 3. Direct staff to draft a resolution to UBCM on a replacement CARIP program and present this to Council for consideration prior to the June 30, 2021 submission deadline.*
- 4. Share this report and attachments with the Capital Regional District Board of Directors, other BC municipal elected officials and Chief Administrative Officers in advance of the UBCM Conference in September, 2021."**

A copy of the report and draft meeting minutes are attached for information.

Sincerely,

A handwritten signature in blue ink, appearing to read "F. Haynes", written over a light blue circular stamp.

Fred Haynes
Mayor

Enclosures

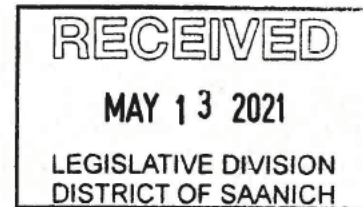
cc: Saanich Council
Sharon Hvozdzanski, Director of Planning, District of Saanich
Valla Tinney, Director of Finance, District of Saanich



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Sharon Hvozdzanski, Director of Planning
Date: May 13, 2021
Subject: Ending the B.C. Climate Action Revenue Incentive Program (CARIP)
File: 1300-50 • Provincial Governments



RECOMMENDATION

1. That Council receive this report for information.
2. That Council send a letter to: Premier John Horgan; the Minister of Municipal Affairs; the Minister of Environment and Climate Change Strategy; and the Union of B.C. Municipalities (UBCM) based upon the draft provided in Attachment 2, detailing the impact of cancelling the Climate Action Revenue Incentive Program (CARIP) and the need for a swift replacement that provides consistent, non-application funding to allow the District of Saanich and other municipalities to continue their work at a scale that can deliver on the Provincial CleanBC Plan and Municipal Climate Plans.
3. That Council direct staff to draft a resolution to the Union of B.C. Municipalities on a Replacement CARIP Program and present this to Council for consideration prior to the June 30, 2021 submission deadline.
4. That Council share this report and attachments with the Capital Regional District Board of Directors, other B.C. municipal elected officials and Chief Administrative Officers in advance of the Union of B.C. Municipalities Conference in September, 2021.

PURPOSE

The purpose of this report is to provide Council with information regarding:

- The announced end to the Provincial Climate Action Revenue Incentive Program (CARIP);
- The implications this has for District of Saanich climate action; and
- Proposed next steps.

DISCUSSION

Provincial Announcement - Climate Action Revenue Incentive Program (CARIP)

In terms of background, the Climate Action Revenue Incentive Program (CARIP) is a conditional grant program that provides funding to local governments that have signed the B.C. Climate

Action Charter. This funding equals 100% of the carbon taxes a local government pays to support their operations.

The program requires local governments to report annually on their greenhouse gas (GHG) emissions and encourages investment in climate action to help the Province deliver on its commitment to carbon neutrality. Since the Climate Charter was launched in 2007, 187 of 190 municipalities, regional districts and the Islands Trust have signed up, providing the Province with a comprehensive database of municipal corporate emissions inventories and corporate and community climate actions implemented at the local level.

On May 11, 2021 the Deputy Minister, and Assistant Deputy Minister for the Local Government Division of the Ministry of Municipal Affairs called a meeting with all Municipal and Regional District Chief Administrative Officers (CAO) to announce the end of the Climate Action Revenue Incentive Program. It was indicated that this decision was a direct result of the recently introduced Provincial Budget. A follow up e-mail was then issued that includes information shared at the meeting (see Attachment 1).

The Province has outlined that 2020 will be the final year for reporting, with the final grant paid to local governments in 2021. They indicated that at this stage no replacement program with unconditional funding is planned and future programs would be application based. They aim to work with local governments through UBCM and the Green Communities Committee on further supporting the CleanBC goals.

In light of the Federal government's renewed climate commitments prior to the United Nations Climate Change Conference (COP26), the withdrawal of this consistent provincial funding source for climate action was extremely unexpected and it is clear that local governments have not been engaged in this decision.

Implications

Loss of Consistent Funding

The District of Saanich has participated in the CARIP program since signing the Climate Charter in 2007 and has benefited from more than \$1.3 million over the last 10 years, with approximately \$150,000 annually in recent years.

This funding has been used within the Sustainability Division of the Planning Department to support staff wages, implement community climate mitigation and adaptation projects and to leverage larger climate related grant applications, which often require a substantial contribution from the local government partner.

Examples of projects supported by CARIP funding include, but are not limited to:

- Feasibility analysis, design and installation of multiple rounds of public Electric Vehicle (EV) charging stations;
- Communications campaigns for home energy efficiency upgrades, the Oil to Heat Pump program and Better Home BC rebates;
- Municipal top-ups to provincial rebates for home energy retrofits;

- Analysis and engagement to support the introduction of the Saanich Greener Garbage program and the BC Energy Step Code;
- Funding for the B.C. Sustainable Energy Association (BCSEA) CoolIt! School climate leadership education program;
- Installation and maintenance of Bike kitchens at Saanich facilities;
- Support for engagement and analysis related to electric mobility and development of the Electric Mobility Strategy; and
- Workshops on local food production and processing.

Until approval of the 2021 Budget in May of this year, CARIP has been the main source of sustained and consistent funding for community focused climate action at the District of Saanich, with the Carbon Fund used for corporate climate action projects. While Council has committed to multiple one-time resource requests to support climate action where opportunities arose or costs exceeded CARIP funding, this approach does not provide the reliability afforded by the CARIP program. As such, CARIP has been instrumental in the development of a District of Saanich Sustainability Division and the hiring and retention of sustainability staff. Many other B.C. municipalities will have sustainability staff that are still resourced through CARIP funding.

Therefore, the clear lack of a replacement program that provides a consistent and reliable funding source for municipal climate action and the shift towards solely competitive funding streams and programs is of major concern.

Competitive funding programs and grants require significant effort, staff time and, often, financial resources to fund the analysis needed for an application with no guarantee of success. They also take substantial time and resources for evaluation by the decision making body. We regularly hear that grant programs and competitive funding streams are highly competitive and over-subscribed. In addition, they rely on match funding or financial contributions from the local government partner.

In the absence of either the CARIP program or a similar source of consistent funding, many municipalities will be limited in their ability to apply for such competitive programs or grants and it will be extremely difficult to develop work plans and implement climate programs that span multiple years based upon this competitive funding approach. This change is being implemented in a time of particular uncertainty when there is an overwhelming demand for municipal tax dollars to support core municipal services and local governments have limited ability to pivot on budget decisions. Removing dedicated climate action funding will create a shortfall that is unlikely to be met by many local governments through the municipal tax base.

Loss of Coordinated Reporting & Data

Saanich has recently committed to developing a comprehensive annual climate report card that aligns with the goals and actions outlined in the Climate Plan and Electric Mobility Strategy. Further, we report on community-wide GHG emissions through the Carbon Disclosure Project (CDP) using the globally recognized Global Protocol for Community Scale GHG Emissions Inventories (GPC Basic+). However, there are only a limited number of B.C. municipalities that are providing this level of climate reporting.

The CARIP program established a consistent climate reporting template for all B.C. local governments that had signed onto the Climate Charter and represents over a decade of publicly accessible data on municipal climate action. This is a true example of global best practice in coordinated climate reporting. Local government have spent significant effort building internal capacity and restructuring reporting systems to align with CARIP and the process has, in many municipalities, supported the development of strategic plans for climate action, monitoring and reporting on progress and the regular cross-departmental collaboration necessary to identify opportunities for climate related projects and programs.

Proposed Next Steps

Some amendments to the CARIP process and report template would be valuable and local governments can provide important insight moving forward. For instance, as Saanich and other municipalities move towards our corporate GHG reduction targets and increase our requirements for contractor climate responsibilities, we will pay less carbon tax as a result. While this should be addressed by an increase in the carbon tax in the short term, as we get close to our zero carbon targets, the CARIP funding will be reduced. In addition, funding based on fossil fuel consumption may be perceived as rewarding a lack of progress. As such, changes to the program could include the move from a carbon tax refund based upon fossil fuel consumption to one based on municipal population. However, there remains considerable benefit to continuing with a climate program that provides consistent funding tied to the delivery of a simple annual climate report.

A draft letter to: Premier John Horgan; the Ministry of Municipal Affairs; the Minister of Environment and Climate Change Strategy; and the Union of B.C. Municipalities (UBCM) is included as Attachment 2 for Council's consideration.

This letter outlines the value of the CARIP program and associated funding to the District of Saanich and the considerable implications for the program's end. It advocates for the Province to engage local governments in the design and implementation of a replacement program that offers consistent funding that is comparable to or greater than that is currently provided by CARIP. Program funding should be used for climate action (mitigation and adaptation), tied to a requirement for annual reporting on progress towards climate goals and should be in place for the first payments to be received by municipalities in 2022. It is recommended that Council sends this letter to the Provincial officials listed above.

In addition, there is the opportunity for Council to submit an endorsed resolution directly to UBCM prior to June 30, 2021 that would address the impact of ending the CARIP program and propose the swift development of a suitable replacement. It is recommended that Council direct staff to draft such a UBCM resolution for their consideration.

Finally, it is recommended that this Council report and attachments be shared with the CRD Board, other B.C. municipal elected officials and Chief Administrative Officers in support of an additional coordinated response and discussion at the UBCM Conference in September 2021.

ALTERNATIVES

1. That Council approve the recommendations as outlined in this report.
2. That Council reject the recommendations as outlined in this report.
3. That Council provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The District of Saanich has participated in the CARIP program since signing the Climate Charter in 2007 and has benefited from more than \$1.3 million from the program over the last 10 years. In 2020, CARIP funding amounted to \$154,072. This forms a substantial portion of the Sustainability Division's budget. Should a similar Provincial program that provides consistent funding for municipal climate action not be developed to replace CARIP by 2022, then staff will need to bring forward a resource request to Council as part of the 2022 budget to ensure the required sustained funding necessary, to effectively deliver on the Climate Plan actions and goals. As always, staff will continue to apply for senior government and other sources of external funding. That said, the time spent seeking out and applying for external funding draws valuable staff resources away from work on corporate and community GHG initiatives.

STRATEGIC PLAN IMPLICATIONS

The 2021 Council Budget requests and Sustainability Division and Planning Department work plans have been developed on the understanding that the CARIP program will continue. As such, removal of this funding without a suitable and consistent replacement impacts the ability to deliver on the 2019-2023 Council Strategic Plan Goal: 'Climate Action and Environmental Leadership', most notably the initiative to implement Saanich's Climate Plan.

CONCLUSION

CARIP has been a valuable source of consistent and dedicated funding over the last decade, allowing municipalities to take action on climate change by resourcing staff, undertaking key emissions reduction projects and leveraging larger climate related grants. It is a true example of global best practice in coordinated and consistent climate reporting by local governments at the provincial level.

On May 11, 2021 the Ministry of Municipal Affairs announced the end of the CARIP program, with the final grant paid to local governments in 2021. This amounts to a loss of approximately \$150,000 in consistent annual funding to the District of Saanich, which is used to address climate change.

In light of the Provincial commitment to climate action outlined in CleanBC and the Federal government's renewed climate commitments prior to COP26, the end of the CARIP program and withdrawal of this consistent provincial funding source was extremely unexpected and it is clear that local governments have not been engaged in the decision. The absence of a replacement program and shift towards competitive funding applications has considerable implications for dedicated municipal staffing and actions on climate change and jeopardises a decade's worth of work monitoring and reporting on local government GHG emissions and progress.

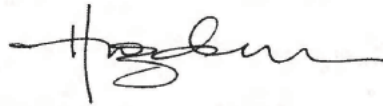
As such, staff are recommending that Council advocate to the Province via letter to the Premier, appropriate Ministries and UBCM, for a swift replacement of the CARIP program with consistent, non-application based funding, tied to annual climate reporting and that this be followed by a Council endorsed resolution submitted to UBCM addressing the same. This will allow municipalities to continue their work at a scale necessary to address the Climate Emergency and deliver on CleanBC and Municipal Climate Plan goals.

Prepared by:



Rebecca Newlove, Manager of Sustainability

Approved by:



Sharon Hvozdzanski, Director of Planning

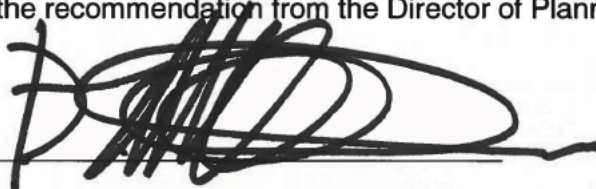
RN/jsp

Attachments: 1. E-mail from Province of BC, Ministry of Municipal Affairs Re: CARIP Reporting 2020, May 11, 2021
2. Draft Letter to Premier John Horgan, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy and the Union of B.C. Municipalities (UBCM)

cc: Valla Tinney, Director of Finance

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning



Paul Thorkelsson, Chief Administrative Officer

Jon Poole

From: Rebecca Newlove
Sent: Wednesday, May 12, 2021 11:11 AM
To: Rebecca Newlove
Subject: Re: Climate Action Revenue Incentive Program (CARIP) Reporting 2020

From: INFRA MUNI:EX [REDACTED]
Sent: Tuesday, May 11, 2021 12:40 PM
To: INFRA MUNI:EX <[REDACTED]>
Subject: (External Email) Re: Climate Action Revenue Incentive Program (CARIP) Reporting 2020

This email sent from outside the District of Saanich. Use caution if message is unexpected or sender is not known to you.

To: All Municipal and Regional District Chief Administrative Officers and Chief Financial Officers

Re: Climate Action Revenue Incentive Program (CARIP) Reporting 2020

Many thanks to all who joined Deputy Minister Okenge Yuma Morisho and me on today's call about the Climate Action Revenue Incentive Program (CARIP), please accept our apologies for the technical difficulties on the call that some experienced. This email includes the information that was shared during the call. We want to emphasize that local governments throughout British Columbia have shown great leadership on climate action. The province is committed to working with local governments to reach our climate goals and make life better for people across British Columbia.

For those who were unable to attend or hear due to some technical difficulties on the call, I wish to inform you and your staff that the CARIP will be wrapping up in the 2021/22 fiscal year. During this final program year, local governments will be required to complete and submit the 2020 Carbon Tax Calculation Form. **This will be the only reporting requirement.**

All program information is available on the [Ministry of Municipal Affairs' CARIP webpage](#). In particular, we encourage you to review the CARIP [Program Guide](#) for 2020 prior to completing the 2020 [Carbon Tax Calculation Form](#).

CARIP Reporting Requirement

1. **2020 [Carbon Tax Calculation Form](#) (submission deadline: August 6, 2021)**
Complete and submit a signed electronic version of the form to [REDACTED]. This form requires Financial Officer certification.

The end of the CARIP program should not be interpreted as the Province pulling back from the productive relationship we have and we look forward to working with UBCM, through the Green Communities Committee, to support the goals of the Climate Action Charter.

Under CleanBC, the Province of British Columbia has put a priority on reducing pollution, boosting energy-efficient solutions and building a low-carbon economy. Local governments will continue to be a key partner in

our collective efforts to address the challenges of a changing climate, playing a specific and important role in British Columbia's climate goals.

Just as local governments' actions on climate solutions have evolved in the past decade, our government is responding to support you with tools and funding programs such as:

- Updating the BC Action Climate Toolkit and the Green Communities Committee Carbon Neutral Framework.
- Investing \$110 million in combined provincial and federal funding to help local governments and Indigenous communities develop energy efficiency and clean energy projects through the Investing in Canada Infrastructure Program CleanBC Communities Fund.
- Working with the federal government to assess the climate impacts of all major infrastructure being funded under the Investing in Canada Infrastructure Program to reduce GHG emissions and increase resilience to climate change, which benefits communities and creates jobs.
- Boosting active transportation infrastructure with \$18 million through the Ministry of Transportation and Infrastructure.
- Making sure commuters can get out of their cars with historic investments in public transit, such as the Broadway Subway Line, and free transit for kids 12 and under starting this September.

Budget 2021 commits \$11 million in new funding to help local governments plan for compact, energy-efficient communities, directly supporting the Climate Action Charter's commitment to create complete, compact, energy-efficient rural and urban communities. We look forward to working with all local governments through UBCM and the Green Communities Committee on how to support greener and more livable communities.

Building on record investments in CleanBC, the Province will continue to strengthen our work with local governments and support the Climate Action Charter.

If you have any questions, please contact the Ministry of Municipal Affairs at [REDACTED] or [REDACTED]

Kind regards,

Tara Faganello
Assistant Deputy Minister, Local Government Division
Ministry of Municipal Affairs

May , 2021

The Honourable John Horgan, MLA
Premier of British Columbia
Office of the Premier
PO Box 9041 Stn. Prov. Govt.
Victoria BC V8W 9E1

The Honourable Josie Osborne, MLA
Minister of Municipal Affairs
PO Box 9056 Stn. Prov. Govt.
Victoria BC V8W 9E2

The Honourable George Heyman, MLA
Minister of Environment and Climate Change Strategy
PO Box 9047 Stn. Prov. Govt.
Victoria BC V8W 9E2

Councillor Brian Frenkel
President, Union of B.C. Municipalities
Local Government House
525 Government Street
Victoria BC V8V 0A8

Dear Premier John Horgan:

Re: B.C. Climate Action Revenue Incentive Program (CARIP) Ending

This letter will confirm that Council, at their meeting held May 17, 2021, considered a staff report on the end of the Climate Action Revenue Incentive Program (CARIP) (see attached) and resolved as follows:

"That Council send a letter to: Premier John Horgan; the Minister of Municipal Affairs; the Minister of Environment and Climate Change Strategy; and the Union of B.C. Municipalities (UBCM) based upon the draft provided in Attachment 2, detailing the impact of cancelling the Climate Action Revenue Incentive Program (CARIP) and the need for a swift replacement that provides consistent, non-application funding to allow the District of Saanich and other municipalities to continue their work at a scale that can deliver on the Provincial CleanBC Plan and Municipal Climate Plans;

That Council direct staff to draft a resolution to the Union of B.C. Municipalities on a Replacement CARIP Program and present this to Council for consideration prior to the June 30, 2021 submission deadline; and

That Council share this report and attachments with the Capital Regional District Board of Directors, other B.C. municipal elected officials and Chief Administrative Officers in advance of the Union of B.C. Municipalities Conference in September, 2021."

On May 11 2021, the District of Saanich was made aware of the end to the Climate Action Revenue Incentive Program (CARIP) through an announcement made by the Ministry of Municipal Affairs.

In light of the Provincial commitment to climate action outlined in CleanBC and the Federal government's renewed climate commitments prior to the United Nations Climate Change Conference (COP26), the end of the CARIP program and withdrawal of this provincial funding source for climate action was extremely unexpected and it is clear that local governments have not been engaged in the decision.

CARIP has been a critical source of consistent and dedicated funding over the years, allowing municipalities to take action on climate change by resourcing staff, funding key emissions reduction projects and leveraging larger climate related grants. It is a true example of global best practice in coordinated and consistent climate reporting, representing over a decade of data on climate action at the municipal level.

The District of Saanich has delivered a considerable number of high impact actions using CARIP funding, ranging from multiple rounds of public electric vehicle charging stations, to the analysis and engagement required to support adoption of the BC Energy Step Code. Additional examples are provided in the attached Council Report. Further, CARIP funding has been instrumental in the development of a Sustainability Division and the hiring and retention of sustainability staff, which, until 2021, were still partly resourced via CARIP funding. Many other municipalities will have staff delivering on climate action that are still resourced through the CARIP carbon tax refund.

Given this, the clear lack of a replacement program that provides a consistent and reliable funding source for municipal climate action and the shift towards solely competitive funding streams and programs is of major concern. Such programs require significant effort, staff time and, often, financial resources to fund the analysis needed for an application with no guarantee of success. They also take substantial time and resources for evaluation by the decision making body and we regularly hear that grant programs and competitive funding streams are over-subscribed. In addition, they rely on match funding or financial contributions from the local government partner. In the absence of either the CARIP program or a similar source of consistent funding, many municipalities will be limited in their ability to apply for such competitive programs. Further, this level of uncertainty makes it extremely difficult to plan for and implement climate actions that span multiple years.

While some amendments to the CARIP process and report template would be valuable, for example, the move from a carbon tax refund based upon fossil fuel consumption to one based on municipal population, there remains considerable benefit to continuing with a program that provides consistent funding tied to the delivery of a simple annual climate report.

This change is being implemented in a time of particular uncertainty when there is an overwhelming demand for municipal tax dollars to support core municipal services and local governments have limited ability to pivot on budget decisions. Removing dedicated climate action funding will create a shortfall that is unlikely to be met by many local governments through the municipal tax base.

As such, Council requests that the Province engage local governments on the swift replacement of CARIP with a program that provides consistent, non-application based funding, tied to annual climate reporting and with first payments received by local governments in 2022. This will allow municipalities to continue their work at a scale necessary to address the Climate Emergency and deliver on CleanBC and Municipal Climate Plan goals.

Sincerely,

Angila Bains, B.A., CMC,
Manager, Legislative Services

RN/

Enclosures: Council Report:

cc. Mayor and Council
Paul Thorkelsson, Chief Administrative Officer, District of Saanich
Sharon Hvozdzanski, Director of Planning, District of Saanich
Valla Tinney, Director of Finance, District of Saanich
Tara Faganello, Assistant Deputy Minister, Local Government Division, Ministry of Municipal Affairs

2560-50
Climate Action

ENDING THE BC CLIMATE ACTION REVENUE INCENTIVE PROGRAM (CARIP)

Report of the Director of Planning dated May 13, 2021. To provide Council with information regarding:

- The announced end to the Provincial Climate Action Revenue Incentive Program (CARIP);
- The implications this has for the District of Saanich Climate Action; and
- Proposed next steps.

The Manager of Sustainability provided an overview of the termination of the BC Climate Action Revenue Incentive Program.

MOVED by Councillor Chambers and Seconded by Councillor Plant: “That Council:

- 1. Receive for information the report of the Director of Planning dated May 13, 2021;**
- 2. Direct the Mayor to write a letter to the Premier, the Minister of Municipal Affairs, the Minister of the Environment, Minister of Finance and Climate Change Strategy, and the Union of British Columbia Municipalities based upon the draft provided, detailing the impact of cancelling the Climate Action Revenue Incentive Program (CARIP) and the need for a swift replacement that provides consistent, non-application funding to allow the District of Saanich and other municipalities to continue their work at a scale that can deliver on the Provincial CleanBC Plan and Municipal Climate Plans;**
- 3. Direct staff to draft a resolution to the Union of British Columbia Municipalities on a replacement CARIP program and present this to Council for consideration prior to the June 30, 2021 submission deadline; and**
- 4. Share this report and attachments with the Capital Regional District Board of Directors, other BC municipal elected officials and the Chief Administrative Officers in advance of the Union of British Columbia Municipalities conference in September 2021.”**

Council discussion ensued with the following comments:

- The cuts to funding are disappointing.

The Motion was then Put and CARRIED



June 2, 2021

VIA EMAIL: lhelps@victoria.ca

Lisa Helps, Mayor
City of Victoria

Re: Modernizing Forest Policy

Dear Mayor Helps:

Yesterday, the Premier and I shared a plan to modernize forest policy with the release of an intentions paper - www.gov.bc.ca/modernforestpolicy. This work aligns with our continued efforts to implement the recommendations of the Old Growth Strategic Review and improve forest management through the *Forest and Range Practices Act*. I would like to update you on this work and our next steps.

Intentions Paper

Plans to modernize forest policy as outlined in the Intentions Paper stem from what we heard from Indigenous peoples, local governments, industry, stakeholders and the public in forestry-focused engagement initiatives over the past three years including the *Forest and Range Practices Act* Improvement Initiative, the Old Growth Strategic Review, Coast Forest Sector Revitalization, and Interior Forest Sector Renewal. Three principles emerged from these engagements to guide our work including a focus on strengthening sector diversity, enhancing sustainability and stewardship, and ensuring ongoing support of the forest sector, what we have called strengthening the social contract.

There are 20 policy intentions laid out in this paper with several directly connected to what we heard from community leaders. This includes ensuring the voices of your communities are considered in decisions, like tenure disposition, where our government brought in Bill 22 in 2019 on this topic and seek to make further improvements. Other topics include the need to prioritize greater access to community tenures if local jobs, particularly in manufacturing, can be demonstrated. I also want to highlight our intention to provide statutory decision makers with discretion in permit approvals if the forest management proposed as part of a permit could put forest values at risk of damage, and to have community perspectives considered in tenure replacement decisions. There is much to be excited about it in these intentions and I hope you will take the time to review them.

Page 1 of 3

Old Growth Strategic Review

In 2019, my predecessor appointed a two-person panel to engage Indigenous and non-Indigenous communities, industry, and stakeholders on what a new path forward on managing old growth could include. They visited 45 communities, held over 200 meetings with close to 800 people, and received over 300 written submissions and more than 18,000 survey responses. The report they submitted in Spring 2020, along with the insight which informed it is included on our website at [Old Growth Forests - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/land/oldgrowth/oldgrowthforests.htm).

The report and its 14 recommendations are complex and over the next two years policy options and implementation decisions will be developed into a new Old Growth Strategy for British Columbia. The immediate priorities are recommendations #1 and #6, that is to work with Indigenous Nations on a government-to-government basis, to identify if and where any further timber harvesting deferrals are needed where old growth is at a very high and near-term risk of irreversible biodiversity loss. Attached in Appendix 1 is a high-level roadmap for how the ministry plans to sequence the work on the recommendations going forward.

What's Next

Over the next several weeks, ministry staff will connect with you on a series of virtual town halls we would like to have you join. I have asked my Parliamentary Secretary Roly Russell to host these town halls as part of his role to hear from you on modernizing forest policy and how it affects your communities.

After several initiatives to better understand where we should start our modernization effort, I am pleased we are advancing this work. The experiences and insights your government can bring to the table on behalf of your community are most welcomed. I hope you can participate.

Sincerely,



Katrine Conroy
Minister

Enclosure

pc: Roly Russell, MLA, Parliamentary Secretary for Rural Development
Brian Frenkel, President, UBCM
Craig Sutherland, ADM, Coast Area
Sharon Hadway, Regional Executive Director, West Coast Region

Appendix 1:

Given the breadth and scope of the report, the province is recommending a phased approach to addressing the recommendations over the next two years. The diagram below illustrates recommendations #1, 5, 6, and 7 under the heading “Immediate Measures”. The center column titled “Elements Required for Change” outlines recommendations #2, 4, 9, 13, 14 which set up a framework of key changes and policy shifts that support change. The third column titled “The New Old Growth Strategy” are recommendations #3, 8, 10, 11, and 12 which are critical to implementing change.

Old Growth Strategic Review – The Path Forward

